

History of England,

BY

JOHN LINGARD, D.D.

VOL. XIII.



THE QUEEN OF JAMES II, ESCAPING WITH HER CHILDREN.

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A

HISTORY OF ENGLAND,

FROM THE FIRST

INVASION BY THE ROMANS.

BY

JOHN LINGARD, D.D.

THE FOURTH EDITION,

CORRECTED AND CONSIDERABLY ENLARGED.

IN THIRTEEN VOLUMES.

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LINGARD'S

HISTORY OF ENGLAND.

CHAPTER I.

JAMES II

King's Speech on his Accession—He levies Duties without authority—Practises his Religion openly—Demands Money of Lords—Parliament in Scotland—In England—Invasion by Argyle—By Monmouth—Their Defeat and Execution—Cruelties in the West—The King's projects opposed in Parliament—Prologation—Intrigues of the Ministers—Countess of Dorchester—Dispensing Power—Ecclesiastical Commission—Scotland—Ireland.

FROM the death-bed of his brother the new king withdrew to his closet, and, after a decent pause, proceeded to the apartment in which the council was assembled. He desired the members to retain the several charges which they held during the late reign, and declared it to be his wish to imitate the good and gracious sovereign whose loss they deplored. "I have been reported," he continued, "a man for arbitrary power; but that is not the only story which has been made of me. I shall make it my endeavour to preserve this government, both in church and state, as it is now by law established. I know the principles of the church of England are for monarchy, and the members of it have shown themselves good and loyal subjects: therefore I shall always take care to defend and support it. I know too that the laws of England are sufficient to make the king as great a

monarch as I can wish; and, as I shall never depart from the just rights and prerogatives of the crown, so I shall never invade any man's property. I have often heretofore ventured my life in defence of the nation, and I shall still go as far as any man in preserving it in all its just rights and liberties." This speech was joyfully and gratefully received; James assented to the request that it might be published; and, as he had not committed it to paper, a copy was made on the spot by Finch the solicitor-general, and approved as correct by the king *.

The moment the council was dissolved, the lords proclaimed the new sovereign at the gate of Whitehall, at Temple-bar, and at the Royal Exchange. In imitation of the precedent set at the accession of James I. wine was distributed among the spectators to drink the king's health, and the crowd, after the usual acclamations, peaceably dispersed. During his brother's sickness James had ordered the ports to be closed, and had stationed strong bodies of troops in different parts of the city. But the result proved that these precautions were unnecessary. Not a murmur was heard; no attempt at riot or resistance was made; never did prince succeed more tranquilly to the throne †.

The king's speech gave universal satisfaction, and the address of the bishops, presented the next day, served to confirm this favourable impression. He had anticipated
 Feb. 7. all their wishes, had promised all that they could ask. They would treasure his words in their hearts, and make it their prayer that God would render his reign happy and suitable to these glorious beginnings, and afterwards crown him with glory in the world to come. The same sentiments were repeated by the two universities, and generally echoed from the pulpits:—so little did the clergy foresee that in less than three years the time would come, when *they* would have to reproach

* James ii. 3. Fox, App. 16. Kennet, 427

† Fox, App. 16. Barillon, 16 Feb. ann 19.

him with the breach of his promise, and *he* would charge them with apostasy from their principles*.

The first question which claimed the attention of the new monarch was the state of the revenue. The parliamentary grant of one-half of the excise, and of the whole of the customs, expired at the death of his brother†: was he then to content himself with a mutilated income, confessedly inadequate to the wants of government, or to continue the former duties till the meeting of parliament, by his own authority and contrary to law? He chose the latter part of the alternative; but at the same time, to gratify the wishes of the people, he resolved to call a parliament, and, that he might claim the whole merit, to call it before the request should be urged by any public body, or the advice be suggested by the privy council. A parliament was accordingly summoned to meet on the 19th of May, and a proclamation issued, which, alleging state necessity as the cause, ordered the usual duties to be levied on merchandise, till parliament should have settled the revenue of the crown. That such a measure was illegal did not admit of doubt; nor were the enemies of James slow to point to it as a proof of the meaning which he attached to his promise of “never invading any man’s property‡.” But the nation cheerfully acquiesced. The necessity of levying the duties was considered as a satisfactory apology; and the very language of the proclamation implied an acknowledgment of the constitutional maxim that money could not be lawfully raised without the authority of parliament. The barristers of the Middle

* Clar. Corresp ii. App. 471. Gazette, 2018.

† One portion of the duties, the additional excise amounting to 550,000*l* a-year, might, according to the act of parliament, be farmed for the space of three years, and remain in force till the expiration of that term. James was careful to have the lease renewed and signed by his brother the day before his death (Gazette, 2003. Fox, App. 39. This portion therefore he could levy by law.

‡ Some thought that the duties should be paid into the exchequer, and remain there, to be disposed of by parliament, others that no money, but bonds for subsequent payment should be taken. Both expedients were contrary to law. As the duties were not in existence, neither the money nor bonds for money could be legally required.

Temple presented to the king an address of thanks; the great companies of merchants trading to the Baltic, to the East Indies, to Africa, and to Maryland, Hudson's Bay, and Jamaica, assured him of their ready compliance, and imposts contrary to law, which in the reign of Charles I. would have thrown the whole nation into commotion, were submitted to without opposition or complaint*.

Of the ministers of the late king, the only man who held (and for his undeviating devotion to the interests of the duke he deserved to hold) a high place in the favour of James, was the earl of Rochester. He had not, hitherto, taken possession of his government of Ireland, and the death of Charles opened a more brilliant prospect to his ambition. James did not wait to be asked, but without previous solicitation placed the staff of lord high treasurer in the hands of his friend. The near relationship of Rochester to the first duchess of York, joined to his more recent services, justified the partiality of the king; and the avowed attachment of the new treasurer to the interests of the church, in which point he professed to inherit the sentiments of his father Clarendon, assured him of the support of all who sought the welfare of the establishment†.

Lord Godolphin, who, by the elevation of Rochester, lost his place of first commissioner of the treasury, had little claim to the gratitude of the new king. But James had learned to appreciate his value from the services

* Lord Lonsdale, Mem. 4 Fox, App. 18. 39. Burnet, in 9. Kennet, iii. 427. Ralph, 847. Barillon, 22. Fév. Dalrymple has published but few extracts from the despatches of Barillon after the death of Charles II. Mr. Fox procured copies of those which were written during the reign of James, but the appendix to his history, as well as the history itself, is confined to the transactions of a few months. Mr. Mazure had access to all the documents in the *Dépôt des affaires étrangères*, but he contented himself with embodying the information which he derived from them in his valuable work, *Histoire de la Révolution de 1688*. In the following pages, whenever I annex the date of the letter, the reader will understand that I refer to the unpublished letters. The same may be observed of the references to the despatches of D'Avaux and Bourpau. The dates are according to the new style.

† James, ii. 8. 63. Fox App. 16. 18. 30. 34. 50. Burnett, iii. 8.

which he had rendered to the last monarch, and appointed him chamberlain to the queen, whose esteem he soon acquired, and whose confidence he repaid by a long and devoted attachment. Even after the revolution, when he had attained to the highest honours under the new dynasty, Godolphin continued to maintain a clandestine correspondence with Maria d'Este till his death*.

Halifax had more reason to dread the royal resentment: yet, when he attempted to apologize, James interrupted him with this gracious declaration, that of his former conduct he remembered nothing except his opposition to the bill of exclusion. But the courtier soon discovered that he possessed no real influence, and that the arts which he had so lately practised might be turned against himself. He was compelled to accept the higher but empty honour of lord president, that he might quit the more lucrative office of privy seal to the earl of Clarendon, Rochester's brother†.

But of all the earl of Sunderland had sinned the most deeply. After his first offences had been forgiven, after he had sworn inviolable fidelity to the interests of the duke, he had recently been detected in a new intrigue with the duchess of Portsmouth, having for its object the removal of James from the court. But Sunderland possessed a wonderful facility of disarming the resentment, and worming himself into the confidence, of those whom he had offended. He observed to the king that now, if he were retained in office, he could have no hope of favour or preferment but from the merit of his services; he converted the enmity of the two brothers Clarendon and Rochester into friendship, by persuading them that he had privately advocated their interest with the sovereign; he procured through Barillon a strong recommendation in his favour from the king of France; and, to secure the good will of the catholics, he

* Fox, App. 34. 50. Burnet, iii. 8, note.

† Ibid. 38. Ibid. iii. 7.

held himself out to them as the warm and uncompromising champion of toleration in the cabinet. James yielded to his arguments and entreaties; Sunderland was retained in his former office of secretary; and it soon appeared that he, Rochester, and Godolphin, were the only ministers possessing the confidence of the monarch*.

But Sunderland did not confine his ambition to the secretaryship; he aspired to the staff now held by Rochester; and, to supplant his rival, was careful to propose in council measures in behalf of the catholics, which he knew that James would secretly approve, and that Rochester, in accordance with his avowed principles, would certainly oppose. For greater security he connected himself with three catholics, from whose friendship he hoped to derive considerable advantage, Richard Talbot, an Irish gentleman, Henry Jermyn, nephew to the late earl of St. Albans, and Edward Petre, a jesuit, and probably a near relation of the lord Petre who died in the Tower†. Talbot and Jermyn had been faithful and devoted servants to the duke in all the vicissitudes of his fortune, and Petre had long been distinguished by him with particular marks of friendship. These four, if we may believe the king himself, met in private, talked over their services and pretensions, and engaged to aid each other in the acquisition of the objects of their ambition, of the treasuryship for Sunderland, of a peerage and the government of Ireland, subject to a *douceur* to Sunderland, for Talbot, of a peerage and the captaincy of the horse guards for Jermyn, and of a cardinal's hat for Petre. In pursuit of the same object Sunderland established, with the consent of the king, a secret board to watch over the interests of the catholics, which should meet at his office,

* "Le conseil du cabinet ne se tient que pour la forme. Le Roi d'A. confère tous les jours avec mylord Rochester, et Sunderland, et mylord Godolphin, ensemble et séparément. C'est avec eux que les résolutions se prennent" Barillon, 22 Fev.

† *Ex familia prænobili primogenitus.* Oliver's Collection, 149

or at the lodgings of Chiffinich, page of the back-stairs. The first members were the lords Arundell and Belasyse, Jermyn who was created lord Dover, and Talbot who obtained the command of a regiment in Ireland; to whom father Petre was soon added, and subsequently the earls of Powis and Castlemaine. Of these Powis, Arundell, and Belasyse were considered as the more moderate in their views: the others advocated bolder measures, and were supported by the policy of Sunderland*.

With this board James debated a question of considerable delicacy and importance, respecting the practice of his religion. Of his attachment to the church of Rome, after the sacrifices which he had made, every man must have been convinced; and the question now was whether, after his accession to the throne, he ought to be content with the clandestine exercise of the catholic worship, or openly to attend a form of religious service still prohibited by law. The latter accorded better with that hatred of dissimulation which was believed to mark his character, and was moreover recommended to his choice by the reflection, that if he were ever to make a public profession of his religion, he might do it with less inconvenience at the beginning, than at any subsequent period of his reign. As early as the second Sunday after his brother's death, in opposition to the advice of the council, he ordered the folding doors of the queen's chapel to be thrown open, that his presence at mass might be noticed by the attendants in the antechamber. This circumstance revealed nothing which was previously unknown: yet the boldness with

* James, ii 63, 64 74, 76, 77. Fox, App. 17. 25. 48. 69. This account, as far as it imputes ambitious views to Petre, is not easily to be reconciled with the letters of his brethren at that period (See extracts in Oliver's Collectanea, 150), nor with the testimony of the king himself, in a letter to the pontiff (*nee quonquam esse credimus ejus animus ab omni ambitu magis abhorret.* Dodd, iii. 513.) Yet it rests on the express assertion of James himself, in his private memoirs, who must either have drawn the inference from facts within his own knowledge, or have received information of which he was previously ignorant.

which the king displayed his contempt of the law alarmed the zeal of the bishop and the clergy of London, and the pulpits began to resound with declamations against popery, and predictions of danger to protestantism. James in his turn grew alarmed: he sent for all the prelates in town: he complained of such treatment as dangerous to the state, and unprovoked on his part; and he renewed his promise of protection to the church, but with a significant hint, that he should think himself absolved from his word, the moment the church should swerve from its engagements to him. The conclusion was that the bishops undertook to restrain within due limits the zeal and intemperance of the preachers*.

- In a few days the murmurs which had been excited died away; but they were quickly revived by the impatientience or the imprudence of the king. He could see
15. no reason why difference of religion should make any difference in the respect usually paid to the sovereign; and therefore announced to the council his intention of going with the usual state to the queen's chapel on particular occasions, and his expectation that the ministers and officers of the household would accompany him as far as the door, and attend on him there on his return. Sunderland offered no objection, and Godolphin by his office of chamberlain was compelled to wait on the queen: but Rochester, aware that his reputation for orthodoxy was at stake, absolutely refused to be present without an express order from the king, and was with difficulty persuaded to accept of the royal permission to
16. spend a short time in the country†. The next day, being Holy Thursday, James, accompanied by his guards and the gentlemen pensioners, proceeded to the chapel and
19. received the sacrament, and on Easter Sunday he was in the like manner attended by the knights of the garter in their collars, and by a great number of the nobility, both as he went, and as he returned to his own apart-

* Fox, App. 37, 44. Barillon, 22 Feb. ; 12 Mar. See note (A)

† Fox, App. 46.

ment *. The proceeding itself proved nothing more than his attachment to the parade of royalty : but in the minds of many it excited considerable uneasiness : men thought that they discovered in it a design of restoring step by step the public celebration of the catholic worship, and they exhorted each other to watch with jealousy the subsequent conduct of the new monarch, and to hold themselves in readiness to defend on the first aggression the rights of the established church †.

There happened at the same time another transaction which served to confirm this impression. The reader will recollect the attempt made in the last year to procure the liberation of the catholics and dissenters detained in prison under the laws of recusancy. In the week before the death of Charles, the question had been brought a second time under the notice of the council, and a second time postponed, that the opinion of the attorney-general might be obtained. But James was not to be checked by the cautious motives which swayed the mind of his brother : he gave it in charge to the judges to discourage prosecutions on matters of religion, and ordered by proclamation the discharge of all persons confined for the refusal of the oaths of allegiance and supremacy. In consequence the dissenters enjoyed a respite from the persecution which they suffered under the conventicle act ; and catholics to the amount of some thousands, quakers to the amount of twelve hundred, were liberated from confinement ‡.

* It was the custom for the lord who bore the sword to enter the chapel with the king when the latter communicated, and on that account lord Powis, a catholic, carried it on the first day ; on the second it was borne by the duke of Somerset, a protestant, who stopped, according to custom, at the door. But the dukes of Norfolk, Grafton, Richmond, and Northumberland, and many other noblemen, entered and accompanied the king as far as the gallery. Barillon, 26 et 30 Avril. Fox, App. 47.

† Les protestants zélés trouvent fort à redire à cette nouvelle démarche. Ils s'imaginent que l'intention de S. M. B. est d'accoutumer le monde peu à peu à voir la religion catholique dans l'éclat où elle doit être ici, étant la religion du prince. Barillon, 26 Avril. Fox, *ibid*.

‡ The prosecution of Baxter did not form an exception. He was charged with having preached a seditious sermon, not with any offence under the conventicle act. The proclamation and the number of quakers liberated

It has been of late a subject of dispute, whether at this period of his reign the king had formed an intention of restoring the catholic religion to its ancient ascendancy, by making it the religion of the state, or merely sought to relieve its professors from the galling restrictions and barbarous punishments to which they were still subject by law. To me, from his frequent and confidential communications with Barillon, it seems evident, that he limited his views to the accomplishment of two objects, which he called liberty of conscience and freedom of worship, and which, had he been successful, would have benefited, not the catholics only, but every class of religionists. By liberty of conscience, he understood the removal of religious tests as qualifications for office; by freedom of worship, the abolition of those penal and sanguinary inflictions which had been enacted for the purpose of extinguishing every form of religious service except that of the established church. It is not pretended that he was led to the attempt by any enlightened views of toleration—though he never hesitated to condemn the persecution of the dissenters—neither was he principally actuated by a vehement zeal for proselytism—a zeal which frequently animates converts to a new religion;—there existed a much more powerful motive than either of these, his own security: for he had persuaded himself that his throne must necessarily rest on a very precarious foundation, as long as the faith which he professed should form a disqualification for holding office in the state, and the worship which he practised should continue to be prohibited under the penalty of death. To Barillon, acquainted with the fears, and jealousies, and prejudices which agitated the public mind, neither of these objects seemed to be of easy attainment. But the more sanguine disposition of James made light of such difficulties: he rested his hopes of

may be seen in Sewall, ii. 451. 454. 456. 478. edit 1795. About two hundred of the latter were still detained prisoners for the non-payment of tithes.

success on the known loyalty of the church of England ; and he suffered himself to be deluded by the professions of attachment to the crown, and of passive obedience to the monarch, which formed the burthen of the addresses from the clergy and universities, ignorant, it would appear, of that which every page of history might have taught him, that great bodies of men will never permit themselves to be swayed by abstract principles, when the actual practice of those principles is opposed to their prepossessions and their interests *.

With respect to foreign nations, it was to be expected that the new monarch would adhere to that pacific policy which he had advised in the reign of his late brother. He came, indeed, to the throne at a period of continental tranquillity, but tranquillity of that dubious and ill-defined description which is usually the precursor of a storm. Though the conflicting claims, which had grown out of the peace of Nimeguen, had been suspended by a truce for eighteen years, concluded at Ratisbon in the preceding month of August, yet the jealousies and heart-burnings kindled by those claims had never ceased to exist. Spain and Holland sought by union between themselves, and by new confederacies with other states, to form a counterpoise to the enormous power of France, and men looked forward with fear to the approaching death of the old king of Spain, as the signal of a new and more sanguinary contest for the succession to his extensive dominions. Under these circumstances Louis deemed it prudent to secure the good-will of the new king of England. He had been negligent in the discharge of his pecuniary obligations to Charles : but the

* See Fox, App 19 33. 45 69. 104. 106, 107. Barillon, 22 Fev.; 12 Mars, 28 Avril With respect to the contested passage in Barillon's letter of July 16, which in Dalrymple is printed "*tant qu'elle ne sera pleinement établie,*" (174), and in Fox "*plus pleinement,*" (107) I observe that the reading in Dalrymple is correct; and that by the "establishment" of religion Barillon understands the liberty of opening chapels for public worship, and of practising that worship without penalty or disqualification. When he wrote the letter, the catholic worship was proscribed by law.

moment he heard of the decease of that monarch, he despatched the sum of 500,000 livres to his ambassador, to be placed at the disposal of James. This act of timely benevolence was gratefully acknowledged by that prince: but it did not satisfy his expectations or his wishes; and his expression of thanks was followed by a demand of the arrears due to his predecessor, and of a similar subsidy for himself during the three following years. Louis was, or affected to be, surprised: he asked no favour from his English brother, and was unable to understand why he should be called upon to furnish money without any prospect of an equivalent in return. Barillon, however, was not discouraged, and the earnestness and adroitness with which that ambassador continued to urge the claim of James, while it does honour to his abilities, provokes a suspicion, or rather conviction, that his services had been purchased by the promise of an adequate remuneration. He employed every argument and every artifice which his ingenuity could suggest. Some reasons he put into the mouth of the king, some he assigned to the English ministers, others he suggested as proceeding from his own attachment to the interests of his sovereign. He exaggerated the wants of James, and the dangers which threatened him, and painted in colours the most likely to attract notice, his designs in support of the catholic faith, and his devotion to the French monarch; he appealed to the pride, the pity, the piety of Louis; remonstrated against his parsimony; persevered in defiance of his displeasure; and even ventured to disobey his commands, till, through dint of importunity, he procured by successive remittances money to the amount of 2,000,000 of livres. Yet out of this sum he was not permitted to pay to James more than 470,000 livres, the arrears of the pension due to the late king. It was in vain that the ambassador continued to reason and solicit. Louis was inexorable. He reprimanded Barillon for his officiousness; and gave him no other power over the money than to advance a

certain portion of it to James, if circumstances should compel that monarch to dissolve the parliament, and defend himself by arms against his rebellious subjects *.

In fact Louis not only distrusted the ambassador, he became jealous of the real intentions of the English king, to whose professions of attachment he paid little attention, as long as those professions were not confirmed by his conduct. James had, indeed, declared that he did not consider himself bound by the treaty between Spain and his brother, and on that account had evaded the application of the Spanish ambassador by referring him to the ministers. But he was actually in negotiation with the States-General for a renewal of all preceding treaties between the two powers, and had willingly listened to the solicitations of the prince of Orange, who now sought a reconciliation with his uncle. In defiance of the arguments and suggestions of Louis. James accepted his apology for his past conduct, his promise to break off all communication with Monmouth, and his engagement to dismiss from the British regiments in the pay of the States certain officers, whose loyalty the king had reason to question. This reconciliation confirmed Louis in the resolution of keeping his treasure safe in the hands of the ambassador. There it might act as a lure to draw the English king to his interest: were it once out of his possession, he knew not but that it might be employed against himself †.

In Scotland, during the last years of the reign of Charles, religious persecution had assumed a new feature. The theological errors of the Cameronians were merged

* See most of the letters of Barillon published in the appendix to Fox, and particularly those of April 16, May 17, July 16, and those of Louis of July 26, and Dec 6. It appears from the ambassador's letter of October 25, that he had paid to James under one pretext or other 800,000 livres: and from that of Louis of Dec. 6, that of this sum 100,000 livres had been paid without permission. Barillon had, however, alleged in his defence, that his hands were not tied at the time: and that he deemed it for the interest of France to yield in so small a matter to the demands of the English ministers. Lettre du 8 Nov. After this James received no money from France during his reign.

† Fox, App. 117—121.

in their political offences : formerly they had been treated as obdurate and incorrigible sectarists ; now, they were regarded in the light of men professing and practising assassination and rebellion. For the first of these charges some ground had been afforded by their express or tacit approbation of the murder of archbishop Sharp ; and the second was fully proved by their renunciation of the king's right and authority in their declaration at Sanquhar. The lords of the council, though they must have been aware that the crimes which they punished had been provoked by their own unjustifiable severity, deemed themselves bound, as depositaries of the royal authority, perhaps also by the danger to which they were exposed, to suppress or extirpate this indomitable sect ; and for that purpose they had recourse to the usual inflictions of fines, and imprisonment, and torture, and death. Many of their victims gladly exchanged the horrors of a close and loathsome confinement for the service of the planters in Barbadoes : some suffered on the gallows by the hand of the executioner, and others were shot by order of a military commission. The writers of the party have drawn a veil over the weakness of those who concealed or abjured their principles : while they have ostentatiously recorded the names of the principal confessors and martyrs, of those whose constancy refused the offer of liberty when it was to be purchased by renouncing the declaration, or who preferred to forfeit their lives rather than pollute their consciences by uttering the words " God bless the king." At first the accession of James offered the prospect of some alleviation to the miseries of these infatuated people. When Feb. 10. he was proclaimed, they were, indeed, admonished, in opposition to their favourite doctrine, that " he was the " only righteous king and sovereign over all persons and " in all causes, as holding his imperial crown from God " alone ;" but this was followed by an amnesty to all persons who would consent to take the test, with the exception of the itinerant preachers, of their protectors

among the higher classes, and of the murderers of archbishop Sharp, and of the minister of Cairnsphairn. If many accepted, yet many refused this benefit; and the rumour of an approaching invasion, by the fugitive marquis of Argyle, added to the severity of the council. The prosecutions were continued in the capital; and Graham of Claverhouse displayed his zeal for loyalty and episcopacy by hunting down the conventiclers in the fields, and by putting the most obstinate or most obnoxious of his prisoners to death*.

James had summoned the Scottish parliament to meet on an early day. He expected much from the attachment of those friends, whom he had secured during his former residence in Edinburgh, and from the hopes of others, who knew that the royal favour was the shortest road to wealth and authority; and he entertained the expectation that the example of the Scots would prove a useful stimulus to the more doubtful obsequiousness of the English parliament. This object was honestly avowed in his public letter; and the avowal, being taken as a compliment by the estates, provoked from their gratitude a declaration of abhorrence of "all principles and positions contrary or derogatory to the king's sacred, supreme, sovereign, and absolute power and authority." He asked for the revenue which had been enjoyed by his brother: they annexed the excise to the crown of Scotland for ever, and made him "a dutiful offer" of 260,000*l.* yearly, during his life: he called on them to support the established church (that church, be it remembered, was not presbyterian but episcopalian), and they passed a most barbarous act, not only ratifying all former statutes for the security and liberty of the true church of God, but also imposing the penalty of death on the preachers at the home, and both preachers and hearers at the field, conventicles †, and compelling the inhabitants of any parish, where a minister should be

* Wodrow, ii. 397—507.

† Scot. Stat. 1685. c. viii.

murdered, to provide for the support of his family according to the discretion of the privy council: he had exhorted them to put down rebels and assassins; and they enacted that all persons should take the test under the penalty of an arbitrary fine; made it treason to give or take the two covenants, and to own, or refuse to disown, the apologetic declaration; ordered that in the processes then depending before the justiciary, in cases of treason, or conventicles, or church irregularities, every person refusing to give an answer should be punished as if he were guilty of the crime, respecting which he was interrogated; and lastly they passed an act of security and indemnity in favour of the privy council, the secret committee, the judges, the military officers, and all commissioners hitherto employed in the prosecution of those who are denominated rebels and assassins. There can be no doubt that in these enactments there was much to reprehend, much that trenched on the rights of the subject, that opened a way to barbarous punishments, and gave encouragement to oppression on the part of the council: in apology it may be observed that they took place at a time when either a hostile armament was at sea, or a civil war was actually raging in the interior of the kingdom *.

April 23. In England the coronation of the king and queen according to the protestant ritual, gave satisfaction to the friends of the church †, and the tranquillity with which the elections of members of parliament were conducted was considered a favourable omen to the new monarch ‡.

* Scot. Stat. 1685. Gazette, 2032.

† James informed Barillon that he considered this ceremony requisite for the stability of his throne: it might appear strange that he, a catholic, should receive a religious rite from protestant bishops, but there was a precedent furnished by Sigismund III., king of Poland, who, on his accession to the throne of Sweden, was crowned by the archbishop of Upsal, a Lutheran prelate. He had consulted the pope and the most eminent theologians Barillon, 8 19. 22 Mars; 19 Avril, 7 Mai.

‡ Here perhaps I ought to notice two remarkable trials. 1^o. In Hilary term, before the death of Charles, Titus Oates had pleaded not guilty to two indictments for perjury: he had sworn that he was present on the 24th of April, 1678, at a consult of the jesuits in London to kill the king, and that he had been present at the commission of treasonable acts by Ireland

As soon as the necessary forms had been complied with, he addressed the two houses in a short speech which he read leisurely and distinctly from the throne. He had ^{May} made, he said, a declaration to the privy council on the ^{22.} day of his accession; he now repeated it in parliament, and in the very same words, to show that it was not a hasty promise suddenly called forth by the excitement of the moment, but a fixed purpose, the result of long and mature deliberation. He then stated his expectation, that they would settle on him for life the revenue which had been enjoyed by his brother. Their own judgment would satisfy them that in this he asked for nothing which was not required for the benefit of trade, the support of the navy, the exigencies of the crown, and the well-being of government, which ought to stand on a sure and stable foundation. To some, perhaps, it might appear more politic to dole out the revenue to him in successive portions, and thus place him under the necessity of calling frequent parliaments. But such persons knew him not: the best way to engage him to meet them often, would be always to use him well. In conclusion he informed them that a body of rebels had

the jesuit in London between the 8th and 12th of August, and on the 2d of September the same year. At the trials, which took place on the 8th and 9th of May, 1685, it was proved, beyond the possibility of doubt, that Oates was at St Omer on the 24th of April, and that Ireland left London for the country on the 2d of August, and remained there till the 11th of September. He was convicted on both indictments, and the court in passing judgment lamented that he could not be made to suffer death in return for the innocent blood which he had shed by his perjuries. He was condemned to pay a fine of 1,000 marks on each indictment, to be stripped of his canonical habit, to be twice publicly whipped, and to stand every year of his life five times in the pillory. After the revolution he brought writs of error against these judgments in the house of lords: but the house refused to reverse them. The king, however, at their request, pardoned him the remainder of the punishment, and moreover allowed him a pension of 5*l*. per week in lieu of his pensions granted by Charles II. amounting to 846*l*. per annum. See State Trials, x. 1079—1330. 2^o Dangerfield was also convicted of perjury, and suffered the punishment of a whipping to Tyburn. As he returned in a coach, a gentleman of the name of Francis asked him, how his back was: Dangerfield made an abusive reply, and Francis thrust at him with his cane. It entered the eye of Dangerfield, who shortly afterwards died of the wound. Francis was tried for murder, found guilty, and executed, the king refusing the application made to him for a pardon. James, 11. 47

lately landed in Scotland under the conduct of Argyle, who had published two declarations charging him with usurpation and tyranny. It would be his care that the invaders should meet with their reward, it would be theirs to support his government, and establish his revenue *.

By later writers this speech has been subjected to a most rigorous ordeal. It has been considered as an open avowal of the king's contempt for the laws, as a threat that he was prepared to assume arbitrary power, and as a bold attempt to intimidate and silence the advocates of a free constitution. By those who were present, it was heard and understood with very different feelings. They did not conceal their satisfaction. At the close of each period their shouts rent the air; and subsequently both houses waited in a body on the king to express their loyalty and gratitude †.

They began by assuring him of their support against the treasonable projects of Argyle, and by settling the revenue in the manner which he had wished. As he made no claim in virtue of the prerogative, so they abstained from any complaint of his having levied the duties without authority. He told them that the despatch with which they passed the bill was as grateful to him as the bill itself: but in addition circumstances required an immediate aid to provide for the equipment of the navy, the discharge of his brother's debts, and the extraordinary expenses to which he was driven by the rebellion. To James the charge of extravagance had never been objected: he was rather parsimonious in his habits, and had already reformed the extravagance and manners of the court. His wishes were gratified even beyond his demand; and additional duties were laid on wines, vinegar, tobacco, and sugar for eight, and on foreign linens for five, years ‡.

* L. Journ. xiv. 9.

† Evelyn, iii. 159.

‡ L. Journ. xiv. 21. 41 65. "They gave upon the tobacco and sugars

In both houses there must have been many who in the preceding parliaments had distinguished themselves by their opposition to government, and had voted for the exclusion of James from the throne. But these, whatever they might think, had the prudence to conceal their sentiments. The times were altered; the principles of the Whigs had grown unfashionable; and to come forward in their defence was doubly dangerous at a time when the standard of rebellion was already unfurled in Scotland, and a hostile expedition under the duke of Monmouth was known to be at sea, steering for the shores of England. Still there were not wanting questions of considerable interest, under the cover of which it was possible to carry on a masked opposition to the measures of government. Several of the new charters had restricted the right of voting for members of parliament to certain bodies in the interest of the crown; and it was reported that previous to the recent elections the earl of Bath had repaired to Cornwall with thirteen charters of that description in his possession. By this innovation the influence of the Seymours had been greatly weakened in that country; and Mr. Seymour took an early opportunity, the very first debate on the revenue, to call the attention of the house to that grievance. He maintained that the new charters were illegal and invalid; that the right of election still resided in those to whom it belonged by ancient usage; and that no person returned in opposition to that right could be a lawful member of the lower house. There never was, he observed, a time in which it could be more necessary to watch over the purity of the representation. The laws, the religion, of the country were at stake. There existed an intention of abolishing the

"three pence, when Sir Dudley North, the commissioner of the customs and manager for the king, asked but three half pence" Lonsdale, 64. An attempt was made to prove at the bar that the new duty would be prejudicial to the plantations, "but the king's promise that, if it was found inconvenient to the trade, he would remit the imposition, was of so much prevalence, that the matter was allowed no further debate." *Ibid.* 4. 5

test, the great bulwark of protestantism, and the writ of habeas corpus, the chief safeguard against arbitrary power. If the crown could control the elections, the liberties of the nation were forfeited for ever. Hence it was his opinion that their first measure should be an inquiry into the returns, that they might determine whether the house, as it was then constituted, could be said fairly and legally to represent the nation. He was heard with surprise, perhaps with secret approbation: but of those who followed in the debate, not one made the remotest allusion to his speech. In the course of the week, however, the subject was again brought forward by sir John Lowther, subsequently viscount May 27. Lonsdale, who expressed a hope that after the proof of devotion which the house had given by voting the revenue, the motion which he was about to make would not offend the king, especially as the grievance, the subject of complaint, had not risen in his, but had grown up in his brother's, reign. The compulsory substitution of new for ancient charters amounted in his opinion to a disseizing of the subject of his freehold without a trial; it shook the very foundation of parliament by transferring the choice of representatives to other electors, and was pregnant with such important consequences, as to demand the most serious attention of the house. He concluded by moving the appointment of a committee to consider the proper method of applying to the king for a remedy, and received the support of several among the more influential members. But it was then a late hour, and the debate was adjourned for two days, when the king, sending for the house, asked for an additional aid. By this interruption Lowther's motion was made to give way to another question of more immediate urgency, and, for reasons of which we are ignorant, was never afterwards resumed*.

On the same day was debated another question of still

* See *Journa* May 27 29. Lonsdale, 5 8 Barillon in Fox App. 90 95. Evelyn, in 160 Burnet in 28

higher interest, and even more calculated to awaken the angry passions of the members. Under pretence of danger to the church, it had been proposed in the committee for religion to petition the king that all the penal laws against dissenters should be put in immediate execution. Though James had many friends in the committee, the motion met with no opposition. He sent for them the same evening, complained of their timidity, and ordered all who prized his favour to oppose the resolution. The following morning it was submitted to the house, where, to the surprise of those with whom it originated, it was condemned as an insult to the sovereign, whose word it seemed to call in question, as an attempt to impose on the house, which could not expect the king to punish men for professing the same faith with himself, and as a secret manœuvre to excite, in aid of the rebels, dissension between the sovereign and his people. The friends of the resolution defended it but faintly: it was rejected without a division, and in its place was substituted a declaration that the house relied with perfect security on the solemn promise of the king to defend and support the established church which was dearer to them than their lives*.

On these questions the opponents of the court acted openly and fairly: but a more astucious leader devised a new and extraordinary plan of annoyance. Under the mask of attachment to the royal person, he moved that all who had formerly voted for the exclusion of James from the throne, should during his reign be excluded themselves from places of trust and emolument. It was expected that the majority of the house would eagerly snatch at the opportunity of displaying their loyalty, that the dissensions of a former period would be revived, and that the present favourites, Sunderland and Godolphin, who had voted with the exclusionists, would be put on their defence. But these ministers had received notice

* C. Journ. May 26, 27. Reresby, 198. Fox, App 95.

of the design; they admonished their partisans to be upon the watch. and the moment the proposal was brought forward, it met with so fierce and general an opposition, that its authors suffered it to fall to the ground*.

- June The landing of the duke of Monmouth on the coast of
 15. Dorsetshire, appeared to give a new stimulus to the loyalty of the parliament. Monmouth was immediately attainted, and a price set upon his head†; an additional supply of 400 000*l* was granted to the king: and
 17. a bill for the greater security of the royal person was prepared. Such bills, arising out of particular circumstances, and making temporary additions to the original statute of treasons, had been passed in the reigns of Elizabeth and Charles II, but had always been attended with some sacrifice of right on the part of the subject. The present bill seems to have had three objects: to meet the difficulty urged at their trials by Russell and Sydney, and for that purpose to make words and writings overt acts of treason: to intimidate the partisans of Monmouth by enacting penalties against all who should pronounce him the legitimate son of Charles II. or the heir to the crown: and to check the licentiousness of the press by disabling all persons from holding office in church or state, who should be convicted of having maliciously and advisedly endeavoured to excite by word or writing hatred or dislike of his majesty or of the government
 26. established by law‡. Serjeant Maynard forcibly objected to the policy of converting words into treason; it would

* Fox, App. 97

† Burnet says that this bill was passed "on the general report and belief" of Monmouth's having landed; which has given birth to an uninteresting dispute respecting Burnet's veracity between Rose and Heywood. Sir J. Lowther, indeed, seems to confirm Burnet in as much as he says, that it was passed without examining witnesses, but both are contradicted by the testimony of the journals, that the two messengers were examined by the court upon oath and bore witness to the truth of the matter at the bar of the house. C. Journ. June 13

‡ This act appears to have been the model after which was framed the act of 36 Geo. 3. c. 7. Serjeant Heywood has printed them in parallel columns, p. 238

lead to the punishment of innocence and the commission of perjury: facts must be seen, words might be misunderstood; and the detection of perjury respecting facts was comparatively easy, respecting words difficult and often impossible. Maynard was overruled: but in consequence of his objections two provisos were added, one, that no writing or teaching in defence of the doctrine or discipline of the established church against popery or other dissenting opinions should be considered an offence within the meaning of the act; the other, that the information should be laid within forty-eight hours after the words spoken, or the fact discovered, that the prosecution should begin within six months after the offence, and that the indictment should follow within the three subsequent months. In this state the bill passed the commons: but the proceedings of Monmouth began to claim the whole attention of government; James requested the members to repair to their homes, and watch over the public tranquillity, and the two houses separated by adjournment, that the bills already in progress might not be lost by a prorogation*.

The house of lords, where James in imitation of his deceased brother was constantly in attendance, displayed its loyalty by joining with eagerness in the different votes and bills transmitted from the commons. On the first day of the session the earls of Powis, Danby and Tyrone, with the lords Arundell and Belasyse, made their personal appearance at the bar, and obtained a final discharge. In addition the house rescinded the former order stating that impeachments by the house of commons did not abate by the prorogation or dissolution of parliament†. This was followed by a

* Mr Fox printed the bill in his appendix, 152. See also C. Journ. June 19, 26, 27, 29. Londale, 8, 9. Burnet, iii. 39. Rose, 157. Heywood, 218. Baillon (Fox, 111) says that the proviso respecting preachers was highly displeasing to the king and queen, and that in his (Baillon's) opinion its introduction accelerated the prorogation of parliament.

† The order then rescinded has since been confirmed in the case of Mr. Hastings. We have now decisions of the house of lords that impeachments do abate, and others that they do not abate, in consequence of a

bill to reverse the attainder of lord viscount Stafford, on the ground that no doubt could any longer exist of his innocence, or of the perjury of Titus Oates. It passed in a very full house, and may be considered as a vindication of his memory by the same tribunal which had previously pronounced his condemnation. In the commons it was read twice, and committed: but on the day appointed for its consideration, all the committees were adjourned on account of the landing of Monmouth, and no mention was made of it afterwards, owing perhaps to more important business which occupied the short remainder of the session, perhaps to the reluctance of the house to admit what the preamble assumed, that the popish plot was wholly an imposture*.

From the proceedings in parliament we may now revert to those of the two hostile expeditions under Monmouth and Argyle. During the latter years of Charles many individuals who had been marked out for prosecution in England and Scotland, found a secure asylum in the united provinces; and of these, the Scottish exiles, as soon as the accession of James was known, assembled in consultation in the town of Rotterdam. The character of their leaders has been faithfully drawn by sir Patrick Hume, one of the number. They were men who looked on themselves as martyrs in the cause of religion and liberty, who gave to the pretended revelations of Titus Oates the credence due to the best authenticated testimony, and who never suffered a doubt

disolution. The latter is at present the law of parliament. The contrary, however, has been the opinion of very eminent lawyers, such as the lord chancellor Nottingham and lord Hale, formerly, and of lord Thurlow and lord Kenyon in the late case of Mr Hastings; and who can say that it may not at some subsequent period, when party politics run high, be again adopted?

* I. Journ xiv 17. 22. 28. C. Journ June 4 5, 6 12 This act of justice has lately been accomplished by the reversal of the attainder. During the debates on the continuance of the impeachment of Mr Hastings, "all parties however differing in other points, appear to have agreed that Oates's plot was an imposture, and that, to use the language attributed to an eminent law lord in his speech on the question, lord Stafford's execution was a legal murder." Hargrave, Opinion and Argument, p 147

to rise in their minds of the existence of a popish conspiracy to eradicate the profession of protestantism, and establish as a necessary consequence the sway of arbitrary power both in England and Scotland. The progress of that conspiracy had, indeed, been checked by the executions in 1678 and the subsequent years; but the mystery of iniquity was still working in darkness; it had acquired new facilities of carrying on its design; it was fostered by the indolence or connivance of the king, and by the apathy of the people, who were "intoxicated by "ease from war and taxes, and a free course of traffic "and trade." The death of Charles was taken by them as a confirmation of those notions. He had most certainly been poisoned by the papists; the same faction had raised his brother James to the throne; and, should that prince have leisure to consolidate his power by raising a military force, religion and liberty would inevitably be banished from the two kingdoms, and not only from them but from every country in Europe, which dared to profess the reformed creed. From such premises they drew the conclusion that no time was to be lost; that an immediate opportunity should be offered to the people of England and Scotland of rallying round the standard of protestantism and freedom, and that the duke of Monmouth and the earl of Argyle, as their natural leaders, should be invited to aid them with their counsel and concurrence. Messengers with these resolutions were instantly despatched to the two chieftains*.

1. Monmouth, at the death of his father, was still at the Hague, expecting to be recalled to England, and living in the strictest intimacy with the prince and princess of Orange; who, to accommodate themselves to his habits, consented to enliven the gloom and solitude of their court with a round of unusual amusements†; and, as if they were assured of the secret

* See the narrative of sir Patrick Hume, published by Mr. Rose, 5 9.

† D'Avaux, iv. 105, 106. 109 113. 120. The most singular thing was,

approbation of Charles, set at defiance the resentment of James and the remonstrances of the ambassador. But on the accession of the new king the prospect was changed. William saw the necessity of propitiating his father-in-law, and Monmouth, after several secret conferences with the favourite Bentinck, withdrew privately to Brussels, where he sought to persuade himself, in the company of his mistress, Henrietta Wentworth, that the quiet enjoyment of a retired life was preferable to the turmoils and disappointments of ambition. But the arrival of the messenger from the exiles dissipated the delusion, and revived his former hopes and projects. He repaired to them at Rotterdam, approved of their plans, offered to risk his life in the common cause, and expressed his readiness either to accompany the English to England, or to serve as a volunteer under Argyle in the expedition to Scotland*.

2. Argyle manifested less pliancy of disposition. After his escape to Holland he had withdrawn from public notice to Leeuwarden, where he found the means of maintaining an active correspondence with his friends in Scotland, and of making secret preparations to revenge himself at some propitious moment on his enemies in both kingdoms. His English friends had already supplied him with a considerable sum of money, said to be the donation of a rich widow in Holland and the intelligence of the king's death summoned him to Amsterdam, where he purchased a ship, and arms, and ammunition. Thence he followed the messenger to Rotterdam, not, as he had persuaded himself, to consult but to command. He explained his preparations to the exiles, bade them commit themselves to his guidance, and

that the prince, to please Monmouth, compelled the princess to learn to skate on the ice. "C'étoit une chose fort extraordinaire de voir la princesse d'Orange, avec des jupes fort courtes, et à demi retroussées, et des patins de fer à ses pieds, apprendre à glisser tantôt sur un pied et tantôt sur un autre." 121.

* Id. iv. 136. See P. Hume, 9. 15. Wellwood, App. 323. Monmouth's letter in Wellwood is written to Spence, the secretary of the exiles, and appears from its contents to be the answer to their invitation.

proposed to sail without delay to Scotland. He was, however, embarrassed by the presence of Monmouth, of whose pretensions he betrayed considerable jealousy. But the two chieftains met in private, adjusted their respective claims, and agreed that there should be two expeditions, one consisting of English adventurers under Monmouth to land in England, the other of Scots under Argyle to try their fortune in Scotland*.

3. There remained, however, a third party, whose concurrence was necessary, the exiles themselves. They were generally men of republican principles, who felt no particular reverence for the superiority of hereditary rank, nor cared to expose themselves to danger for the mere purpose of setting up one monarch in the place of another. Before they would move, they drew from Monmouth, though he still gave himself out for the legitimate son of his father, a solemn promise not to take the title of king, unless it were advised by his associates as requisite for their common success: and, even in that case to resign it afterwards, and to content himself with such rank as the nation should judge an adequate reward for his services†. Argyle was more obstinate. He had already, and without their aid, formed a plan of invasion: his birth and exertions gave him, in his opinion, a title to their obedience; and the prediction of an astrologer had dazzled his imagination with indistinct but flattering visions of future greatness. Conferences, disputes, and explanations followed: at last April necessity compelled him to submit; and he seated him- 7.

* Sir P. Hume, 9. 12 15. 18

† Id. 9. 12 14 The English exiles acted in this matter in unison with the Scottish. "He (Monmouth) took deep asseverations in the presence of God, that he intended and would do as he had spoken, and repeated what before is related, and said he would give the like assurances to the English, as he did very solemnly, whereby his greatest opposers, jealous of him as abovesaid (who gave me a full account of the matter, as likewise he himself did afterwards at Amsterdam), were cordially joined to him, and at peace with him" Id. 14 If any credit be due to sir Patrick Hume, Monmouth, instead of joining in the expedition through importunity and against his own judgment, as is sometimes said, promoted it with all his might

self at the board as one of twelve counsellors with sir John Cochrane for their præses or chairman. They constituted themselves a supreme council for conducting the enterprise, with authority to add to their number, after their arrival in Scotland; appointed the earl of Argyle general of the army, "with as full power as "was usually given to generals by the free states in "Europe;" and committed to one of their number the charge of drawing up a declaration of war against James, duke of York*.

In the mean time Monmouth having received strong assurances of support from his adherents in England, pawned his jewels to make the necessary preparations, and Argyle added two more ships to that which he had previously purchased. Each party composed a manifesto adapted to the particular circumstances of the respective countries, which was communicated to the other, and subsequently amended, till it obtained the approbation of both. To preserve the union between them, two Englishmen, Ayloff the lawyer, and Rumbold the maltster, both of Rye-house notoriety, were attached to the Scottish, and two Scots, Fletcher of Saltoun, and Ferguson the minister, to the English expedition. They separated: Monmouth promised to follow within six
 April 28. days, and the Scots, in number about three hundred men, proceeded to their ships in the Texel. It was in vain that the English envoy demanded their arrestation on the faith of treaties: through the connivance of the
 May 2. Dutch authorities they were permitted to pass the Uhe without molestation†.

6. On the fourth day the adventurers with a fair wind

* Id 14 35. Crookshank, ii 260.

† Id 36, 37. They went on board on the 28th of April. One of their ships had already passed the Uhe, but the other two were not ready to sail before the 2d of May. On the 28th Skelton had had no information before the magistrates, but could obtain no answer before the 30th, when a yacht sailed from Amsterdam with orders to stop the two ships. but the captain kept at a distance, and reported that they were already under sail, and that one of them had fired on him. Compare D'Avaux, v. 4, with sir P. Hume, 38, 99.

reached Cairston in the Orkneys, where Spence the earl's secretary, and Blackadder the surgeon, were made prisoners by the natives*; an unfortunate occurrence, as it revealed to the council in Edinburgh the strength and the destination of the expedition, and taught them to prepare for the reception of the invaders. A proclamation had already ordered the kingdom to be put in a posture of defence; and the vassals of Argyle had been compelled to deliver hostages for their fidelity; now bodies of militia and regulars were despatched into the western shires; several frigates sailed for the isles, and all suspected persons were unprisoned unless they gave security for their loyal behaviour. In the mean time Argyle, taking with him four of the natives as hostages for the lives of the captives, continued his voyage from the Orkneys, and landing in Lorn and afterwards in Cantire, published in both places the declaration, which he brought with him from Holland. It stated at great length, and in most inflammatory language, all the grievances real or imaginary of the reign of Charles II., attributed them to "a conspiracy between popery and tyranny, which had been evidently disclosed by the cutting off of the late king, and the ascending of the duke of York to the throne," pronounced that prince incapable of giving the security indispensably required of him before his entry on the government, and declared that their object was two-fold, first, the restoration of the true protestant religion, by "the perpetual exclusion of popery, of its most bitter root and offspring prelacy, and of its new and wicked head the supremacy;" and secondly, the replacing of all men in their just rights and liberties; that they would never enter into capitulation or treaty with the said duke of York, and would indemnify all persons, even their former enemies, who should assist them against a persecuting

* For what purpose these gentlemen went on shore is not known. It appears that they had the consent of Argyle; and that the council proposed to land and liberate them by force, but to that the earl objected, and seized the four hostages mentioned afterward. Sir P. Hume, 41

May 27. tyrant, and an apostate party. At Tarbet he published a second declaration, displaying his own wrongs, his former patience under oppression, and the reason of his present appearance in arms, and immediately sent messengers with the fiery cross in all directions to summon his former vassals to the aid of their natural lord*.

It would exhaust the patience of the reader to detail the subsequent particulars of this ill-concerted and ill-fated expedition. Few were found to rally round the boasted standard of religion and liberty: the Cameromans, though they renewed their renunciation of the government of James, could not in conscience support a cause owned by men of a different interest from their own; and each day was marked by new disappointments, and new causes of dissension between the earl and his associates. He relied on the attachment of his clansmen in the highlands; the council of exiles on the deep resentment and more obstinate character of the lowlanders: he sought to clear his own country of the enemy; they demanded to be led into the western counties, which had so long been the theatre of religious persecution. The controversy was determined by the appearance of a hostile fleet on the coast; and Argyle having piloted his vessels through the narrows, and left his stores with a garrison of one hundred and fifty men in the castle of Ellergreg, departed with the rest of his force, intending to fight his way to the city of Glasgow. At high water the king's ships under sir Thomas Hamilton passed in safety between the rocks: the garrison fled before a single gun had been fired; and the vessels of the invaders, the four hostages, five thousand stand of arms, three hundred barrels of powder, and the earl's standard with the inscription "Against Popery, Prelacy, and Erastianism," fell into the hands of the royalists†.

* Ibid. 40, 46 Dalrymple, 127. Wodrow, n. 531, 532 App. 152, 155. State Trials, xi. 1025, note.

† Ibid. 46, 56 Gazette, No. 2044. Barillon, 2 Juillet. The reader will recollect that Erastianism was the opinion which gave to the civil magistrate the right of deciding in matters of religion

The next day Argyle with his associates passed the June
 Leven : but wherever he directed his march, he found 16.
 himself opposed or followed by strong bodies of regulars
 and militia. Driven from the direct road, he attempted
 to thread his way among the hills and morasses ; but
 his followers deserted him ; his force dwindled from two
 thousand to five hundred men : and, during the dark-
 ness of the night, Argyle himself, either by his own
 counsel or at the suggestion of his friends, deemed it
 prudent to withdraw. Accompanied by Fullarton, he 17
 re-crossed the Clyde, but was overtaken and made pri-
 soner at the water of the ford of Inchanan. Of the men,
 whom he had abandoned, about one hundred, the volun-
 teers from Holland, resumed their march, passed the
 Clyde in boats, and maintained a sharp skirmish with
 the royalists at Luton-bridge. Here they heard of the
 capture of their leader, and, despairing of success, fled
 during the night in various directions. Thus ended this
 unfortunate expedition *.

Thirty-five years before (so it was reported) Argyle
 from a private window in Edinburgh had gratified his
 revenge with the sight of the indignities heaped on the
 unfortunate marquess of Montrose. It was now his
 doom to meet with a similar reception. Bareheaded, 20
 with his hands tied behind him, and preceded by the
 hangman, he was made to pass under the same gate,
 and through the same streets, to the castle. The judg-
 ment pronounced on him in 1681 was still in force, and
 the council waited only for the royal permission to put
 it into execution. His conduct as an insurrectionary
 leader had been marked by want of judgment and deci-
 sion : but as a prisoner under a capital sentence, he dis-
 played a serenity and firmness of mind, which extorted
 the praise of his bitterest enemies. Of the lawfulness of
 his late attempt he cherished a firm conviction : it was

* Ibid. 56—67. Wodrow, ii. 533—537. Gazette, 2045 Barillon, 5
 Juillet. Wodrow pretends that Argyle was deserted by his men : Sir P.
 Hume, who gives a very circumstantial detail, assures us that he deserted
 them.

justified by the recollection of the wrongs which he had suffered, and by the prospect of the calamities which to his apprehension the reign of James would inflict on the three kingdoms; and the cause, in which he was about to lay down his life, was, he could not doubt it, the cause of his country. Nerved by these considerations, he mounted the scaffold with the high feelings of a martyr, forgave all his enemies, and uttered with his last breath an indignant testimony against "popery and prelacy and "all superstition whatsoever*."

June
30.

Among his fellow captives the principal were his two sons, sir John Cochrane, and Ayloff and Rumbold. His sons were banished: Cochrane by an ingenuous confession to the king obtained his pardon: but Ayloff's obstinacy or fidelity was proof against the offer of life, and, after a fruitless attempt at suicide, he suffered in England the death of a traitor. Rumbold, who had served as a private in the parliamentary army, and as an officer under Cromwell, was brought before the court of justiciary, where he indignantly denied the first part of the charge against him, that he had conspired the death of Charles II. and his brother at the Rye-house farm, but acknowledged the second part, that he had been the associate of Argyle in his late attempt. He received judgment, and was executed the same afternoon†.

26.

Monmouth had engaged to follow Argyle in the course of six days; yet three weeks elapsed before he left Amsterdam, a whole month before he joined the expe-

May
24.

* Wodrow, ii. 538—545.

† See Burnet, iii. 29. State Trials, xi. 874. Fox, App. 156. Wodrow, ii. 552, 556. From all authorities it is plain that he denied the Rye-house plot before his judges, and, if we may believe the Western Martyrology, he repented that denial on the scaffold. But the Western Martyrology is not the best of vouchers, and the fact is hardly consistent with the silence of Wodrow and Fountainhall. Indeed the very denial attributed to him shows that there was something in the charge. "He did not deny but "that he had heard many propositions at West's chambers, about killing "the two brothers, and upon that he said it could have been easily executed near his house; upon which some discourse had followed how it "might have been managed. but he said it was only talk, and that no "thing was either laid, or so much as resolved on." Crookshank, ii. 231.

dition riding at the mouth of the Texel. It consisted of a frigate of thirty-two guns, with four small tenders, of which one was detained by the Dutch authorities, and of eighty exiles, accompanied by an equal number of servants or followers. With this inconsiderable force the unfortunate adventurer undertook to win the crowns of three kingdoms; but his hopes were buoyed up with the expectation that multitudes would hasten to his standard: and under this persuasion he carried with him, instead of soldiers, equipments for an army of cavalry and infantry to the amount of five thousand men*.

The boisterous state of the weather had relaxed the vigilance of the royal cruisers: and Monmouth seized ^{May 30.} a favourable moment to set sail, stole unobserved down the Channel, and on the 11th of June appeared in front ^{June 11} of the small port of Lyme in Dorsetshire. The moment he landed on the beach, he offered on his knees a fervent prayer for the success of the enterprize, and then, drawing his sword, marched at the head of his followers, into the town. The mayor and principal inhabitants had fled; but the lower classes were summoned round a blue flag planted in the market-place, where they listened to "The declaration of James, duke of Monmouth, and the noblemen, gentlemen, and others in arms for the defence and vindication of the protestant religion, and the laws, rights, and privileges of England." In this instrument, (the tone and acrimony of which betrayed its real author, Ferguson the minister,) James is pronounced an usurper, and therefore designated by his former title of duke of York; the whole course of his life is described as "one continued conspiracy against the reformed religion and the rights of the nation;" and to him are attributed the burning of London, the confederacy against the protestant state of Holland, the support of the popish plot, the murder of Godfrey, the subornation of witnesses to swear away

* C. Journ, June 15 Barillon, 23 Junn.

the lives of the patriots, the assassination of the earl of Essex, and of those who were privy to that assassination, and the dissolution of several succeeding parliaments, that they might not bring him to justice, and make him suffer the punishment due to these crimes. From his offences during the life of the late king, the declaration passes to those which he committed "after he had" "snatched the crown from the head of his brother." He had authorized the practice of idolatry, he had invaded the property of every Englishman by levying taxes without authority, he had polluted the fountains of justice by placing on the bench men who were a scandal to the bar, he had packed juries, had granted illegal charters, and had converted the fences against tyranny into the means of establishing despotism. On all these accounts the duke of Monmouth and his associates declare war against him as a murderer, a traitor, and a tyrant, and engage never to admit of any accommodation with him, but to continue the war till they shall have brought him and all his adherents to condign punishment.

It then proceeds to describe the object of the invaders. They intend to establish the protestant religion "beyond" "all probability of its being supplanted:" to abolish all penal laws against protestant dissenters, and all sanguinary laws against any religionists whatsoever: to procure annual parliaments, which cannot be dissolved, or prorogued, or adjourned, before petitions have been answered and grievances redressed; to have upright judges, holding their places during their good behaviour, and subject to the approbation of parliament; to restore the ancient charters, to repeal the militia and corporation acts, to place the choice of sheriffs in the freeholders of the counties, and to allow no standing army but by the authority of parliament.

In conclusion it charges the king with having, in order to expedite the idolatrous and bloody designs of the papists, to gratify his own boundless ambition, and to prevent all inquiry into the murder of the earl of Essex,

poisoned his late brother, a brother who loved him so as to endanger his own crown to save him from punishment: wherefore the duke of Monmouth, in revenge of the horrid and barbarous parricide committed upon his father, will pursue the said James duke of York as a mortal and bloody enemy, and will endeavour to have justice executed upon him. Not that Monmouth doth at present insist on his own title--that he leaves to the wisdom, justice, and authority of parliament but he acts as head and captain-general of the protestant forces of the kingdom, and in that quality he promises to promote the passing into laws of all the improvements previously mentioned, that it may never more be in the power of a single man to subvert the rights and liberties of the people*.

When Monmouth published this declaration, so intemperate in its language, so slanderous in its assertions, he must have been intoxicated with the assurance of success, or have made up his mind to conquer or die. From the king it is evident that after such wanton and bitter provocation he could expect no mercy. Neither was it calculated to make a favourable impression on the public. The falsehood and enormity of many of the charges shocked the feelings of considerate men, the liberty offered to dissenters and the allusion to his own clann united against him the friends of the established church and those of hereditary descent; and the notion that he aspired to the crown, a notion which his affected moderation served rather to confirm than discountenance, taught thousands to stand aloof, whom their predilection for a commonwealth would otherwise have collected round his banners. Not a nobleman, not a gentleman of interest or opulence openly ventured to declare in his favour. But the religious and political prejudices of the populace were excited: they crowded to offer their services; arms were distributed, companies

* See it in Somers, Tracts, iv. Collect. tom. ii. p. 190 State Trials, xi. 1932.

June formed, and officers appointed; and on the fourth day
 15. Monmouth marched from Lyme at the head of four regiments, amounting in all to more than three thousand men.

Previously, however, two events had happened, calculated to make him think seriously on the want of discipline and subordination among his followers. 1. The two men, on whose immediate services he chiefly relied, were Fletcher of Saltoun in Scotland, and Dare of Taunton in Somersetshire. The intrepidity of Fletcher had been proved in several encounters, the superiority of his military knowledge was universally acknowledged. Dare had once been a goldsmith at Taunton; afterwards, in quality of a broker at Amsterdam, he had conducted the correspondence between the malcontents in both countries; and now he held the offices of secretary and paymaster, and had proved his influence among his countrymen by inducing forty horsemen to join the army
 13. the day after landing. It happened that Dare made his appearance at their head on a beautiful and spirited charger, better adapted in the opinion of Fletcher for the use of a military officer than of a civilian. The Scot seized and claimed the horse: the secretary resisted, and in the struggle was shot with a pistol through the head. The new levies instantly assembled, and demanded the punishment of the assassin; and Monmouth, to screen him from their vengeance, placed Fletcher under arrest, sent him on board one of his vessels, and ordered the captain to sail to the coast of Spain. This untoward occurrence was a subject of regret and a source of misfortune to the duke: it deprived him both of the only officer to whom he could safely trust the military command, and also of a man who possessed the most extensive influence among the lower classes of the natives*.

2. A body of four hundred men under the command

* Wade, in *Miscellaneous State Papers*, ii. 317. Heywood, App. 29. Monmouth's vessels which remained at Lyme were taken by some frigates, with a great number of cuirasses. Baildon, 5 Juillet.

of lord Grey, was ordered to drive the militia out of the neighbouring town of Bridport. They surprised the bridge at the entrance, and pushed through the long street, till two men fell from a volley of musketry. Grey with the cavalry instantly fled, Venner, who commanded the foot, followed their example, and the panic instantly spread through the whole force. By the spirited conduct of major Wade, who repeatedly turned on the pursuers, the retreat was effected with inconsiderable loss: but the skirmish proved to the conviction of the duke that little reliance was to be placed on the military prowess of lord Grey, or on the steadiness of men unused to the casualties of a field of battle*.

In no part of England had the fanatical and anti-monarchical principles, which prevailed under the commonwealth, taken deeper root than in Dorsetshire and Devonshire. If their growth had been checked by the restoration, they were still kept alive by religious persecution; and it was well known that the great body of the inhabitants, a hardy and turbulent race, cherished a strong antipathy to the existing government, and were ready to rise at the call of any man, who should profess to fight the battle of the Lord against popery and arbitrary power. Hence it was to them that the council of six in the last reign had looked for their principal support in the event of an insurrection, and among them that Monmouth had now determined to seek an army of resolute and enthusiastic followers. From Lyme he hastened to Taunton, a rich and populous town, where he was received with loud acclamations, as the saviour of the country. The inhabitants presented him with a stand of colours richly embroidered; twenty young maidens, in their gayest attire, came in procession to offer him a naked sword and a pocket bible, and the duke assured them in return, that his chief object was to defend the truths contained in that sacred book, and to seal them, if it were necessary, with his blood. But

* Wade, *ibid.* 317—321. Dalhymple, 129

this flattering reception revived his ambition, and he began to feel uneasy under the promise which had been extorted from him at Rotterdam, and which he had so recently published in his declaration. It was asked in council whether, considering all the circumstances, it were not expedient and necessary that he should assume the insignia of royalty; the republicans found themselves outvoted by his favourites and flatterers; and the adventurer took on himself by solemn proclamation the title of king James II. Nor did he delay to exercise his new powers. He touched children for the evil, declared the duke of Albemarle, who lay with a body of militia at a short distance, a traitor*, pronounced the two houses of parliament, unless they should disperse within ten days, seditious assemblies, ordered the customs and excise to be levied for his service, and set a price on the head of the usurper of the crown, James duke of York †.

June
20.

That prince, though cheered by the votes of parliament, was not without strong grounds of disquietude. He dared not trust the decision of the contest to the militia of the counties, whose fidelity was as doubtful, as their inexperience was certain: of the regular force, which in the whole kingdom did not exceed five thousand men, a great portion was required to awe the metropolis, in which it was supposed that Monmouth had a considerable party, and where two hundred suspected persons were placed under arrest as a measure of precaution; and in the three Scottish regiments, which were sent to his assistance by the States, it was discovered that many of the officers had been previously seduced from their allegiance by the exiles. Unable for the moment to arrest the progress of his opponent, he gave the command to lord Feversham, with instructions to secure

* See the papers which passed between them in Mr Ellis's *First Series of Original Letters*, iii. 340. Also Dalrymple, 131.

† There have been many disputes respecting the origin of this measure. I think it plain from Wade (322, 323), that it came from Monmouth himself, and was advocated by lord Grey and Ferguson.

Bristol, but not to hazard a battle without a regular force: ordered the bodies of militia to surround the enemy at convenient distances, that they might check his motions, and intercept his supplies; and gave the Scottish regiments to understand that, as soon as they had recovered from the fatigue of their voyage, they should proceed to the defence of their own country*.

Monmouth, on the other hand, reaped little benefit from the assumption of royalty. He wandered from place to place without any apparent object. No person of quality offered his services; his friends in the capital and the country remained quiet; Bath and Bristol refused to admit him within their gates: and, if the militia constantly retired before him, yet his rear was as constantly pressed by several squadrons of cavalry. Despondency succeeded to confidence, he became fretful, melancholy, and indolent; and, when he received at Frome the news of the fate of Argyle, he exclaimed that his last hope was gone, and in an agony of despair June 27. proposed to the principal officers to desert their followers

in the night, ride to the nearest sea-port, seize on a boat, and commit themselves to the mercy of the winds and waves. But from this unworthy counsel he was diverted by the spirited expostulation of lord Grey, who, whatever he might be in the field, showed no want of energy in the cabinet. After several contradictory resolutions, it was resolved to cross the Avon at Keynsham-bridge, the Severn at Gloucester, and to march along the right bank of the last river till they should be joined by their friends from Cheshire: but Venner and Mason, two of his most distinguished partisans, dissenting from this advice, and conceiving themselves released from their obligations to him, made their escape†.

The duke still lay at Bridgewater, when the royal army reached Somerton. Not a moment was lost, and

* Fox, App 115 Bailon. 25, 29 Juin, 9 Juillet Mem. of James, ii 26

† Wade 327

his men were already filing out of the town, when additional news arrived that Feversham had quartered his cavalry, five hundred strong, in the village of Weston, and had encamped his infantry to the amount of two thousand regulars on Sedgemoor. It thus became doubtful whether he could reach Keynsham before his opponents, and a resolution was therefore taken to surprise the royal camp during the night. Having distributed a considerable quantity of liquor among his troops, he led them from Bridgewater by a circuitous route to avoid the patrols on the road, and reached the edge of the moor about one in the morning. But his arrival was soon discovered, and the alarm given; lord Grey, with five squadrons of horse, pushed forward to burst without delay into the camp; but their advance was suddenly arrested by a broad ditch lined on the opposite bank with the royal infantry; and, as they rode along the margin to discover a passage, a few volleys compelled them to wheel to the right; when, after a skirmish in the dark with their own men, this body of cavalry was totally dispersed*. Another body of three squadrons, under colonel Jones, had followed the first. They made a gallant attempt to force the passage of the ditch, but were repulsed and formed again at a distance. Monmouth, as soon as the action began, ordered the foot to advance with the utmost expedition: they halted at the distance of eighty paces from the enemy, and continued to fire for a considerable time, though they were answered only by the royal artillery. In the meanwhile Feversham had brought the cavalry from Weston, and posted them on the right flank of the enemy. The moment it became light, he ordered the infantry to cross the ditch; the cavalry charged at the same time; the insurgents, after a short resistance with scythes and

July
6

* It was alleged that Monmouth and his followers knew not of the existence of the ditch. This I think doubtful: at all events it is plain, from Paschull's account, that it was passable in different parts, and we find that the royal infantry actually passed it in face of the enemy to charge them.

the butt-ends of their muskets, were broken; and the moor was covered with scattered parties of runaways and pursuers in every directions. The victors lost three hundred men in killed and wounded: of the vanquished five hundred fell on the field, and thrice that number were made prisoners*.

It might have been expected that Monmouth, aware of the doom which must be his lot, if he should fall into the hands of his enemies, would have preferred to perish in the company of the brave men, whom he had induced to risk their lives in his service. But he was already several miles from the field of battle. Under the persuasion that his followers, however numerous, were unable to cope with a disciplined force, he had placed all his hopes of success on the confusion which might be created by a nocturnal surprise; and the moment he learned from lord Grey that the royalists were on their guard, and had repulsed the cavalry, he left the army under the covert of darkness, and in the company of Grey and Busse, an officer formerly in the service of the elector of Brandenburg, proceeded at full gallop along the road leading to the north. From the summit of an eminence they turned to take a last view of the field, witnessed the sanguinary defeat of their adherents, and, resuming their pace, hastened to the Mendip-hills, where they disguised their persons, and turned towards the New Forest, in the hope of procuring on that coast some conveyance beyond the sea. On Cranborn Chase they quitted their horses, and, letting them loose, proceeded on foot. But the result of the action at Sedgemoor was already known: and parties of cavalry from Kingwood and Pool were scouring the country to prevent the escape of the fugitives. Early in the morning lord Grey and the guide were made pri-

* I have given the best account I could collect of this battle from the official paper in Haynes, n. 305 314 Wade, *ibid.* 329 Paschall in Heywood, App 29 37. 40, 41. 43. Barillon, 9 Juillet. Dalrymple, 132 134. James, n. 30 Burnet, ii. 30 Burnet, iii. 48. Echard, 1065; and Evelyn, who says that most of the slain were Mendip miners, iii. 164.

- July soners at the junction of two cross-roads: Monmouth
 7. and Busse had time to burst through a hedge, and conceal themselves in the fields: but they had been seen by a woman, who gave information; lord Lumley and colonel Portman, the commanding officers, agreed to divide the reward, 5000*l.*, between their respective parties; a line of sentinels was drawn in a circle round the spot; and the rest of the men were employed to beat the enclosures. During the remainder of the day the two fugitives eluded the search of the pursuers: but at five the next morning the Brandenburgher was taken, who owned that he had parted from the duke only four hours before. At seven, Monmouth himself was discovered,
 8. lying in a ditch, and covered with fern. The captors conducted him to Kingwood, whence, after two days' repose, he was removed to the capital*.

From the timidity of Monmouth in the field, it could not be expected that he would face with steadiness the death which now awaited him on the scaffold. By the act of attainer he was already condemned, and could have no hope of life but from the pity or generosity of the king. But what claim had he on that prince? Twenty months had not elapsed since he had obtained the pardon of James on a solemn promise to be the first to draw the sword in defence of his rights; and yet he had ungratefully levied an army against him, had set the crown on his own head, had publicly declared the king a murderer, a tyrant, and an usurper, and had announced to the world that on account of his crimes he would pursue him to the death. Still, in the face of this provocation, the love of life taught him not to despair, and from Kingwood he wrote to James a supplicatory letter, expressive of his deep remorse for his ingratitude and rebellion, attributing the blame to the counsels of "false" and horrid companions; and soliciting the favour of a personal interview, as much for the king's sake as for

* Account of the Manner of Taking the late Duke of Monmouth. *Historical Miscellany*, vi. 321. *Gazette*, 2058.

his own. He had that to reveal which he could not commit to paper, that which would secure to the monarch a long and happy reign. A single word, did he dare write it, would be sufficient to prove his repentance for the past, and his loyalty for the future. To this letter he added two others of similar import, one to Rochester, the favourite minister, and another to the queen dowager, who had repeatedly interceded in his favour with the last sovereign*.

Monmouth, on his arrival in London, was conducted, July 13. in company with Grey, to the apartment of Chiffinch at Whitehall. After dinner, having his arms loosely tied behind him, he was introduced to the king, who received him in the presence of Sunderland and Middleton, the two secretaries of state. He threw himself on his knees, and implored forgiveness in the most passionate terms: but to James his protestations of remorse and attachment appeared too vehement and extravagant to deserve credit, and his solicitations for life too abject for one who boasted of royal blood in his veins, and had undertaken to act the part of a king. In extenuation of his offence he urged that he had been deceived by messages from England, and by the advice of the exiles in Holland, on whom he liberally bestowed the appellation of rogues and villains. The declaration had been composed by Ferguson, and the royal title had been forced upon him against his own judgment and inclination. This he said in general: what particular information he communicated did not transpire; but so much is certain, that he made no disclosure answerable to the pretensions set forth in his letter. He then threw himself a second time on his knees, supplicating for mercy; but James replied, that by usurping the title of king he had rendered himself incapable of pardon: and, reminding him of his early education under the Oratorians in Paris, requested to know if he wished for

* State Trials, xi. 1072, note. Clari. Corresp. i. 143. Ellis, iii. 343. Bafflon, 23 Juillet. See note (B).

the aid of a catholic priest? Monmouth instantly asked, Was there then no hope? but the king was silent, and lord Dartmouth received orders to conduct him to the Tower. In the carriage he implored the protection of that nobleman, offered to accept of life on any terms, threw the blame of his usurpation on every one but himself, and betrayed a meanness of spirit, which excited pity and surprise*.

The interview with Monmouth has subjected the king to much severe, but perhaps unmerited, censure. He has been accused of want of feeling, in consenting to behold a nephew on his knees with a predetermination not to grant him mercy, and of cruelty in adding to the sufferings of his victim by exciting hopes which he was resolved to disappoint. But his predetermination to refuse the prayer of the criminal has been assumed without any proof; and the interview itself was not of the king's seeking: it was reluctantly granted by him as a favour to the prayers of Monmouth, and of Monmouth's intercessors, and on the representation that the disclosures to be made by the prisoner would, on account of their superior importance, cancel his crimes of treason and usurpation. In such circumstances the refusal of the interview might, with greater reason, have been adduced as a proof of cruelty. As to the alleged relationship of uncle and nephew, it could not operate with much force on the mind of a prince, who disputed the history of Monmouth's birth. Lucy Barlowe had other lovers at the Hague, in addition to Charles Stuart: and

* James, ii 36 40. Reresby, 212 Dalrymple, 134. Barillon, 23 Juillet. Rose, App. 65 Mazure, ii 8. These authorities show that no credit is due to the account of this interview in Kennet.—Of Monmouth's discourse with lord Dartmouth in the carriage as they proceeded to the Tower, this statement is given by the son of that nobleman.—Monmouth pressed him in a most indecent manner to intercede once more with the king for his life on any terms. My father said the king had told him the truth, which was, that he had made it impracticable to save his life, by having declared himself king. 'That's my misfortune,' said he, 'and those that put me upon it will fare better themselves;' and then told him that lord Grey had threatened to leave him on his first landing, if he did not do it." Burnet, iii. 51, note.

it was the belief not only of James, but of many besides James, that the real father of her child was colonel Robert Sydney*.

On the removal of Monmouth, Grey was introduced. His manner and language offered a striking contrast to that of the leader, whom he had followed. His behaviour to the king was respectful, and his answers to the royal questions were delivered with modesty and firmness: but he made no disclosure, and asked for no favour. James himself could not abstain from allowing him the praise of resolution. Monmouth received notice to prepare for death within forty-eight hours: Grey, who had not been attainted, was reserved for trial according to the due course of law†.

The first person who visited the duke in the Tower, was his wife, in company with the lord privy seal, the earl of Clarendon. Few persons thought that she could feel much interest in the fate of a husband who, though she had brought him a princely fortune, had always treated her with neglect, and for the last two years had deserted her for a rival, Henrietta Wentworth. But she deemed it her duty to preserve the inheritance of the Buccleugh family for her children, and with that view was anxious to prove to the king that she had no participation in the treason of her lord. Monmouth received her coldly, but improved the opportunity to plead his cause with lord Clarendon, in the same manner as he had so recently done with lord Dartmouth. Clarendon replied that the sole object of their visit was to afford him the opportunity of speaking in private, if he wished it, with the duchess: that to excuse himself by accusing his advisers was useless. The plea had been once admitted, and he had been pardoned. He could not expect the same result a second time. Monmouth, however, persisted in the use of similar arguments till he was interrupted by the duchess inquiring, whether she had ever

* James, i. 491 Evelyn, iii. 168. Macpherson, i. 77

† Dalrymple, 134 Barillon, 26 Juillet.

received any information from him respecting his late attempt, or had approved of his political conduct for some years, or had ever given him occasion of displeasure on any question, except it were his attachment to other women, and his disobedience to the late king. He replied that he had found her a loving and dutiful consort, had no charge to make against her as wife, mother, or subject, and had been frequently advised by her to pay greater deference than he had done to the commands of his deceased father*.

July 14. After their departure the unfortunate prisoner continued to delude himself with the hope of saving his life, and spent the night in devising plans to move the pity, or subdue the resolution of the king. In the morning he despatched letters or messages to James†, to the queen regnant, to the queen dowager, and to the lords Annandale, Dover, Tyrconnel, and Arundell. He offered to profess himself a catholic: he solicited a second interview with the king; he prayed at least for a respite of a few days: a petition which might naturally arise from his love of life, but which was attributed to his faith in the prediction of an astrologer, that if he should survive the feast of St. Swithun (the next day), he should live afterwards many years. But these efforts were fruitless. Lord Feversham came, indeed, to receive his communication for the king: but it proved a mere repetition of his discourse of the preceding day, and the bishops of Ely and Bath and Wells soon afterwards arrived to prepare him for death on the following morn-

* See the account of this interview in the Buteleigh MS published by Mr. Rose, App. p. 65. From its contents I collect that the object of the duchess was such as I have represented it in the text. Baillon says that their language was "*assez agre de part et autre, et qu'il ne lui parla qu'avec dedain*," (Baillon, 26 Juillet; Dalrymple, 168), expressions much too strong if their conversation has been faithfully recorded in the MS. Evelyn (Diary, iii. 167) and Burnet (ii. 59) say that they treated each other coldly. See also Reresby, 213, and life of James, ii. 37, in which we are told that when he first heard of the wish of the duchess to see him, he disowned her, instead of saying that she might be introduced.

† The letter to the king has been published by Mr. Ellis, first series, iii. 346.

ing*. At the announcement he seemed lost in an agony of terror: but the struggle was quickly over: the very absence of hope restored the serenity of his mind; and from that moment he was able to look death in the face with an air of composure which assumed almost the appearance of indifference.

It was not long before the two prelates discovered that they had undertaken no very grateful task. Monmouth had imbibed opinions which shocked their orthodoxy, and adhered to them with a pertinacity which embarrassed their zeal. They considered the profession of the doctrine of passive obedience an indispensable test of adhesion to the church of England: he strenuously maintained the lawfulness of resistance to authority in cases of oppression. They looked upon him as guilty of the sin of rebellion, and responsible for the blood which had been shed in his quarrel: he denied that there was anything sinful in the attempt, though he should certainly feel regret if it had occasioned the loss of a single soul among the men who perished on his account. They called on him to repent of his adulterous connection with lady Harriet Wentworth: he replied that his union with that lady (though she had already borne him a child†) was innocent in the sight of heaven. He had, indeed, married the heiress of Burcleigh: but he was then too young to understand the nature of the contract; and the consequence of this premature union was, that for several years he indulged without restraint in every vicious gratification. At length he saw the lady Har-

* Burnet, in 51 James (Memoirs), n. 40. Reresby, 213. "My uncle," says lord Dartmouth, "showed me several charms that were tied about him when he was taken, and his table book was full of astrological figures, which nobody could understand. He told my uncle that they had been given him some years before in Scotland, but said he now found they were but foolish conceits." Burnet, in. 51, note. Bailion says that, in the book, il y avoit des secrets de magie et d'enchantement avec des charmes, des recettes pour des maladies, et des prieres. Mazure, n. 9. Bailion, 26 Juillet. The charms were supposed to have the power of opening the doors of a prison, and of curing the wounds received in battle. Reresby, *ibid*.

† "Dont il a un enfant." Bailion, 26 Juillet.

riet. He loved, and was loved by her : both prayed that God would root out this mutual affection, if it were displeasing to him. But it continued to grow : its growth was to them a proof of the divine approbation ; and from that moment he sought by prayer and fasting to obtain the mastery over his passions, and carefully abstained from all commerce with other women. The lady Harriet was his real, the duchess of Monmouth nothing more than his legal, wife. Unable to convince him of his error, they refused to administer the sacrament, and with difficulty obtained from him a promise to recommend the matter to God during the night, and to pray that his mind might be enlightened by the Holy Spirit.

July The next morning he was visited at his request, and
15. with the royal permission, by Dr. Hooper, afterwards bishop of Bath and Wells, and by Dr. Tennison, afterwards archbishop of Canterbury. These divines concurred in doctrine with the two prelates : but Monmouth had prayed : no change of sentiment followed his prayer ; and on that account he was more confirmed in his former opinions. His children by the duchess, who for precaution, had been sent to the Tower when their father took the title of king*, were now introduced, and were followed by that lady herself, whom he received with a greater show of kindness than on her former visit. He reported what he had previously said in her praise, acknowledged that for the last year she had held no correspondence with him even by letter, and begged her to forgive his failings, and continue her kindness to their children. At these words she sunk to the ground, embraced his knees, and requested him to pardon her, if she had given him just cause of offence. But her frame was too delicate to support the poignancy of her feelings, and she was carried away senseless in the arms of her attendants. “ Noe bystanders,” says the author of the narrative, “ could

* It has sometimes been said that the duchess was confined with her children. But she went there voluntarily, to take care of them. “ *Madame de Monmouth a voulu les y suivre.*” Bailion, 23 Juillet.

“ see this, the mourningest scene in the world, without melting in tears: he (Monmouth) did not show the least concernedness.”

At ten the prisoner was conducted to the place of execution on Tower-hill. On the scaffold his reverend and right reverend assistants renewed their exhortations with an importunity, which, though it arose from a sense of duty, appeared to many to savour of hard-heartedness. They extorted from him an acknowledgment of sorrow for the blood which had been shed, and prevailed on him after some demur to utter a tardy and reluctant *amen* to the prayer for the king: but on the two other subjects, the doctrine of non-resistance, and the lawfulness of his connection with Harriet Wentworth, he retained his former opinion. The only speech which he had prepared was in defence of that lady. He declared that she was “ a woman of virtue and honour, a virtuous and godly woman: that he had committed no sin with her, and that what had passed between them was honest and innocent in the sight of God.” While he was preparing himself for the block, the four divines prayed, but in terms which indicated their opinion of his spiritual blindness, “ that God would accept his repentance—his imperfect repentance—his general repentance.” But Monmouth was still unmoved. He had already told them that he repented of whatever evil he had committed; that God had forgiven him his sins; and that he should die with cheerfulness and like a lamb, not because he was naturally without fear, but because he felt within him a supernatural assurance that he was ascending to heaven.

There is something most appalling in the conclusion of this tragedy. Monmouth warned the headsman not to mangle him, as he had mangled lord Russell; and the very admonition seems to have unnerved the man for the execution of his task. He took his aim so unskillfully, or struck so feebly, that he inflicted but a slight gash, and the sufferer, raising his body from the block

turned his head to the left side, as if he meant to complain. After two more strokes, life seemed to be extinct, and the executioner, alarmed at his own bloody work, threw down the axe, asserting with an oath that his heart failed him, and that he would do no more. But the sheriffs compelled him to resume the implement of death, and at the fifth blow he severed the head from the body*.

While the leader thus paid the forfeit of his ambition in the capital, his followers in the country were abandoned to the mercy or discretion of the conquerors. Some of the royal commanders displayed their loyalty by the execution of martial law on the rebel prisoners; and of these the most active was Colonel Kirk, a rough soldier from Tangier, of whose wanton and unfeeling barbarity stories were related, which, if true, ought to have rendered him an object of horror to every human being, but which probably were false, since they did not prevent him from being caressed and distinguished by the prince who expelled James from the throne. To such proceedings an end was put by the peremptory order of the

* See for all these particulars the Buccleugh MS in Rose, App 65 Account of the execution of the duke of Monmouth, signed by four divines and the sheriffs, *Tracts, Collect. 1. vol. 1. p. 216.* Letter from Lloyd, bishop of St Asaph, to Fell, bishop of Oxford, in *St Anne's Hemingford, 1. 177* Barillon, 26 Juillet. Retesby, 213 Evelyn, in 167. Dalrymple, 135. *Gazette, 1052* Eclair, 1037 *State Trials, 1. 1068—1083* On the scaffold Monmouth delivered to the sheriffs a paper stating that he had taken the title of king through compulsion, and acknowledging that he had been assured of his own illegitimacy by his father, wherefore he prayed that his children might not be made to suffer on account of his offences. That prayer was granted, in as much as James restored every thing to the family with the exception of the English title but I question the story of his having called on the duchess the day after the execution at breakfast, and given her a remission of her husband's forfeiture. It is not noticed by the author of the Buccleugh MS, who wrote his narrative that day, and merely says that the king was exceedingly satisfied with her conduct, and had assured her that he would take care of her and her children: nor by Barillon, who writes on August 3, that she had twice been in company with the king and queen, and it is inconsistent with the proceedings which took place in Scotland respecting the trial and forfeiture of Monmouth on the 21st of December, and the judgment which was pronounced on the 15th of February. See them in *Howell's State Trials, 1. 1023—1067.* Barillon, on June 7, 1686, mentions the restoration of the property as having recently occurred (*Dalrymple, App. 168*), and Clarendon also on June 12. *Clar. Corresp. 444.*

king: not that he sought to release the rebels from the consequences of their guilt;—for the danger to which the throne and the church had been exposed from the fanatical and republican principles of the insurgents called in the opinion of many for a severe and memorable example*—but that he wished the punishment to follow according to due course of law, and after the forms of criminal justice. With this view a commission was appointed, consisting of Jeffreys, who three months before had been raised to the peerage, of Montague, the chief baron, and of three puisne judges. On account of the danger to which they might be exposed in the re-
 24. volted counties, they were accompanied by a strong military escort, the command of which, with the temporary rank of lieutenant-general, was entrusted to Jeffreys; and it was probably this singular union of the military with the judicial character, that induced the wits to give to his progress during the circuit the nickname of “Jeffreys’ campaign.”

They opened the commission at Winchester, where the only trial connected with Monmouth’s invasion, was that of Alicia Lisle, the relict of him who had been one of the judges of Charles I., a joint commissioner of the great seal, and chief judge of the High Court of Justice under the commonwealth. The offence with which this
 27. aged female was charged offers a sufficient reason why she was called to plead for her life; though some writers have sought it in the revengeful disposition of the cavaliers, anxious to punish on the widow the sins of her husband, and others in the displeasure occasioned by the countenance which she had always given to the doctrines of the “good old cause.” After the battle two of the combatants, Nelthorpe, an outlaw on account of the

* “Such an inundation of phanatics and men of impious principles must needs have caused universal disorder, cruelty, injustice, rapine, sacrilege, and confusion, an unavoidable civil war, and misery without end” Evelyn, iii. 169, 170.

† James himself gives it this name in two letters to the prince of Orange Dalrymple, 165.

Rye-house plot, and Hicks, an obnoxious non-conformist minister, had found an asylum in her house, and had been denied by her to colonel Penruddock, who had received information of their concealment. At her trial she put to the court this very pertinent question, whether she could be convicted of harbouring a traitor, before the person so harboured had himself been convicted of treason : and, when Jeffreys overruled the objection on the ground that it was sufficient to prove that she had been cognizant of the treason *, she maintained that of Nelthorpe she knew nothing, as she had not even heard his name, and Hicks she had received under the supposition that a warrant was issued against him for some breach of the conventicle act. That this excuse was in truth a mere pretence must be evident to any one who attends to the unwilling testimony of the witnesses but the jury, consisting of some of the first commoners in the county, sought to give her the benefit of the least doubt, and inquired of the court if there were sufficient proof of her knowledge that Hicks had been in the rebel army. Jeffreys in strong language expressed his surprise at such a question. They might, indeed, doubt, and of the fact they were the judges ; but for his own part he thought the proof as strong as proof could be †.

* This was contrary to the doctrine of Hale, that such person should not be tried on a separate indictment till the principal was convicted, because the receiver is so far an accessory, that he cannot be guilty if the principal be innocent. State Trials, xi. 371, note.

† Burnet's account of the trial abounds with inaccuracies. Giving credit to the public prints (Coke, ii. 339) he tells us that the jury returned twice a verdict of not guilty, and were at last compelled to return a verdict of guilty by a threat of attaint from the judge : but of these three verdicts there appears no notice either in the printed trial, or in the paper which Mrs. Lisle delivered to the sheriffs at her death. Moreover if we may believe him, Jeffreys " assumed to the jury on his honour that the persons had confessed that they had been with the duke, which was " the turning a witness against her." (Burnet, iii. 60.) But this is a representation calculated to mislead the reader. After a long and most severe examination, accompanied with threats and adjurations, Jeffreys had extracted the truth from a prevaricating witness, and an acknowledgment that the first part of his testimony was false. The judge then, to account for what must have appeared extraordinary in his own conduct, observed, that it proceeded from his knowledge that the witness was perjured, because Nelthorpe himself, one of the parties, had privately con-

The unfortunate woman was found guilty; and James, to those who solicited him in her favour, replied that he could do nothing, that he had left the case in the hands of the chief justice. He substituted, however, decapitation for the legal punishment of burning: a mitigation of the judgment which his opponents have termed an usurpation of power contrary to law, as if our princes had not always exercised that power, on the ground that he who may lawfully remit the whole punishment by a pardon, may at his discretion commute it for another infliction less painful or less infamous*.

From Winchester the court proceeded through Salisbury to Dorchester, Exeter, Taunton, Bristol, and Wells, in each of which places a multitude of prisoners awaited their doom from the mouth of their stern and inexorable judge†. That they had forfeited their lives by the laws of their country cannot be denied; and that many among them were incorrigible enthusiasts, who publicly avowed the righteousness of their cause, and their readiness to renew the attempt, is also true: yet the demands of justice might surely have been satisfied, and a salutary example have been made, without that deluge of blood so unsparingly poured out by Jeffreys and his associates. All who at their trials were convicted, suffered in the course of twenty-four hours: the great majority, who pleaded guilty, were gratified with a short reprieve, during which they made with different success applications for mercy. Out of the whole number some were pardoned; many whipped and imprisoned;

fessed to him all the circumstances. Aware, however, that in making this remark he had gone too far, he added that he "would not mention any such thing as any piece of evidence to influence the case, but he could not but tremble to think, after what he knew, that any man should dare so much to prevaricate with God and man, as to tell such horrid lies in the face of the court." *State Trials*, xi 355.

* At the revolution the attainer of this lady was reversed, together with several others, for two reasons, because Hicks, the principal, at the time of her trial had not been convicted, and because the verdict of the jury had been extorted "by the menaces, and violences, and other illegal practices of the judge." *State Trials*, xi 381.

† In a letter to Sunderland (Sep. 10.) he states that he had "dispatched," that is, tried, ninety-eight on that day. *App. to Mackintosh*, 685.

above eight hundred given to different persons to be transported for ten years to the West Indies; and three hundred and thirty executed as felons and traitors. The chief justice seems to have taken for a precedent the sanguinary conduct of those who in the reign of Elizabeth punished the northern insurgents; and like them he permitted no town or hamlet in the rebellious district to escape, without the useful lesson to be derived from the execution of some of the guilty. Many instances are also related of the indecent haste with which he consigned his fellow-creatures to the gallows, and of the sarcastic levity with which he stung the feelings of those who interceded in their favour; but these tales, though perhaps not abhorrent from the disposition of the man, depend for their credit on the veracity of those whose hatred he had deservedly earned by his cruelty, and who gratified their revenge by heaping disgrace on his character. There is better evidence to show that his zeal to punish the wrong done to the king did not withdraw his attention from his own interest; and that during the circuit he amassed a considerable sum of money, probably by the sale of his friendship and protection*.

But if Jeffreys executed his task with a rigour far beyond that which the circumstances of the case required, where are we to look for the cause of his severity? To the temper of the judge, or to the orders of the monarch? On the one hand, according to Burnet, James received a daily account of the proceedings from Jeffreys, and spoke of them in terms of satisfaction both at his table and in the drawing-room†; and according to a respect-

* From the parliamentary inquiry instituted in the next reign it appears that he was paid 1416*l*. 10*s* by the crown solicitors, Graham and Burton. It is also stated that he extorted 14,500*l*. from Mr. Prideaux, to save him from prosecution (Com. Journ. 1 May, 1689). When, however, a bill was introduced after the revolution to recover that sum out of his estates, it was defeated chiefly by the influence of Pollexfen, the lord chief justice, one of his trustees. See *Memoirs of Judge Jeffreys*, 238.

† Burnet, iii. 56. Burnet, however, was not in England at the time, but says that he received these particulars from Dykvelt, the Dutch ambassador, who was no great friend of James.

able tradition, the chief justice on his death-bed in the Tower, declared that "what he did, he did by express orders, and that he was not half bloody enough for the prince who sent him thither *:" on the other, a witness who had the means of knowing the truth, the earl of Mulgrave, afterwards duke of Normanby and Buckingham, assures us that James "compassionated his enemies so much, as never to forgive Jeffreys in executing such multitudes of them in the west, contrary to his express orders †;" and we are moreover told that when bishop Kenn and sir Thomas Cutler, the commanding officer at Wells, solicited mercy for some of the convicts, the king not only granted their request cheerfully, but afterwards meeting sir Thomas, thanked him for his intercession, and expressed a wish that others had imitated his humanity ‡.

James was now triumphant over his enemies; and this very circumstance, which seemed to have established his throne, mainly contributed to its downfall, by inspiring him with an erroneous notion of his own security, and teaching him to despise the murmurs and opposition of his subjects. During the last session of parliament he had obtained, what he could hardly expect, an augmented income for life: in the next he hoped to accomplish three things on which he had set his heart, the establishment of a standing army, the employment of catholic officers, and a modification of the habeas corpus act. 1. In common with his late brother he had always considered a king without an army as possessing little more than the name of a sovereign; and therefore viewed

* See a note by speaker Onslow in Burnet, iii. 61. Onslow received the anecdote from Jekyl, Jekyl from lord Somers, and Somers from Dr. Scot who attended the dying man.

† Accounts of the Revolution, amidst the Castrations in his Works, ii. p. xi. I do not think that this is contradicted by the expression in Sunderland's letter to Jeffreys, "that the king approved entirely of all his proceedings of which he had given an account in his letter" (Mackintosh, App. 685.) For that account was given as early as the day after he opened the court at Dorchester, and of course refers only to his conduct before that period.

‡ Burnet, ii. 62, note.

with regret the disbanding of the numerous force which had been raised by Charles to oppose the encroachments of Louis in Flanders. On the landing of Monmouth he found himself compelled to intrust the defence of the throne to the militia of the neighbouring counties. Experience showed the utter inefficiency of this species of force. For several weeks, as the reader has seen, the invaders traversed the country at their pleasure; and there is little doubt that, had they brought with them a body of regular troops, or had their partisans risen simultaneously in several places, the attempt would have led to a protracted contest, if not to a very different result. James was thus confirmed in his former opinion. During the danger he gave out commissions for the levy of new regiments, till he raised the army to the amount of fourteen thousand men*: and now he was resolved to keep the whole force embodied, with, as he hoped, the approbation of parliament. 2. Among the officers who had obtained command in the new levies were several catholics, men who had faithfully served the crown on former occasions, and on whose fidelity the king relied the more firmly, because they professed the same religion with himself. But by law they were not only incapable of holding any commission in the army, but also liable to penalties for the part which they had taken in the suppression of the rebellion. James determined to shelter them from prosecution, to retain them in their respective offices, and even to procure the repeal of the test act, of which, though he himself had been the object, they had become the victims. 3. The statute of the 31st of Charles II., which enforced and improved the writ of habeas corpus, was not less objectionable in the royal estimation than the test act itself. It abridged the right formerly claimed by the crown of retaining suspected

* According to Baillou, (6 Août, 1685) to fifteen thousand foot, three thousand horse, and one thousand dragoons. "Thus," says lord Lonsdale, "my lord Russell's plot first made the king, when duke, popular; and Monmouth's rebellion gave occasion for raising an army which continues to this day." Lonsdale's Memoir, p. 13.

persons in custody; and though its beneficial effects had been repeatedly experienced by the friends of the monarch, yet in the committals on account of the Rye-house plot and of Monmouth's invasion, it had furnished many, whom James believed criminal, with the means of obtaining their discharge, before legal evidence of their guilt could be collected. On this account the king declared that till some alteration should be effected in that act, the government was left without the arms necessary for its own protection*.

It was not to be expected that on these three questions all the members of the cabinet should coincide in opinion with the sovereign. The example of foreign nations showed that the establishment of a standing army generally led to the introduction of despotism; and it was argued that the two acts, the objects of his aversion, were the chief bulwarks of religion and liberty; that, if the test were abolished, the church could not stand under a catholic monarch, and that, if the writ of habeas corpus were taken away, the rights of the people might be trampled under foot at the pleasure of any prince who should chance to sit on the throne. Such had long been the avowed sentiments of the marquess of Halifax, lord president of the council, and such, though more warily expressed, were the real opinions of the earl of Rochester, who, whatever might be his attachment to the doctrines, sought like his father to be looked up to as the patron, of the church†. But James, who did not approve the temporizing policy of his brother, had laid it down for a maxim, that it was folly in a sovereign to allow any man to remain in office, who would employ the influence of office to thwart the measures of government. After a decent interval he removed Halifax Oct. from the council, with expressions, indeed, of regard and 20.

* Baillon, in Fox. App. 127. Dalrymple, 166. 170 177. "Le feu roi d'A. et celui ci m'ont souvent dit, qu'un gouvernement ne peut subsister avec une telle loi", d'habeas corpus). Harillon, 10 Dec

† North, the lord keeper, was also of the same party (Baillon, 2 Août), but died on the 5th of September.

kindness, but for reasons which he deemed it expedient to keep locked up within his own breast. Those reasons, however, were not unknown, and operated as a useful admonition to Rochester, who unwilling to promote the objects sought by the king, but equally unwilling to forfeit the emoluments of office, indulged the delusive hope of retaining the royal favour by his passive acquiescence in the royal measures. But his conduct was watched, and his views were penetrated by the subtle and insinuating Sunderland, who, to ingratiate himself with the king, warmly advocated all the projects of James; and to prejudice his rival, as warmly complained, that the resistance to those projects was caused or encouraged, if not by the intrigues, at least by the known hostility, of the lord treasurer. By the expectants of place and emolument it was soon perceived that Rochester declined daily in influence, while Sunderland slowly but steadily crept up to the eminence still occupied by that minister*.

The same diversity of opinion which existed in the council prevailed among the leading catholics. Of the immediate advantage to be derived by them from the repeal of the test act, no one could doubt: yet many, aware that the spirit of discontent was stirring, deprecated any alteration which might afterwards provoke a reaction. They deemed it imprudent to risk the tranquillity which they enjoyed, for the pursuit of a greater but uncertain benefit, and were content to submit to the privations imposed by the laws, provided they might be relieved from the penal and sanguinary statutes prohibiting even the private exercise of their worship. But those among them, who possessed the confidence of James, and formed the board at Sunderland's office, concurred in opinion with that minister. They conjured the king not to forfeit by procrastination the present opportunity: this was the time to demand the consent

* Barillon, *ibid.* 127. 130. 143, et lettres du 22 Oct., 1 Nov. Dairymples, 173. Reresby, 214. 217. 223.

of the two houses to his three favourite measures: his enemies lay prostrate at his feet; and no man would have the boldness to dispute his pleasure*.

As the time for the meeting of parliament approached, the minds of men became daily more and more agitated. During the rebellion, the levy of forces and the appointment of catholic officers created no great alarm,—the urgency of the case supplied a sufficient justification,—but months had now passed since the battle of Sedgemoor, and the army was still kept up to its former complement. It began to be rumoured that the king cherished designs against the liberties of the country, and it was soon known that he proposed to accomplish the repeal of the two acts. By a strange fatality it Oct. 12. chanced that at this moment of suspense and disquietude the king of France revoked the edict of Nantes, and numbers of French protestants sought an asylum in England from the persecution which they suffered in their own country†. The jealousy, which already existed, was instantly blown into a flame; and the press and the pulpit concurred in pouring out invectives in every shape against the intolerant spirit of popery. It was to no purpose that James laboured to allay the ferment: that he openly declared his disapprobation of every species of religious persecution, and that he promoted with all his influence the measures devised for the relief of the refugees. His sincerity was questioned; the belief of a secret understanding between him and Louis prevailed; and the people everywhere called on

* Les Catholiques, says Barillon, ne sont pas tout à fait d'accord entre eux. Les plus habiles, et ceux qui ont le plus de part à la confiance du roi, connoissent bien que la conjuncture est la plus favorable qu'on puisse espérer, et que si on la laisse échapper, elle pourroit bien n'être de long temps si avantageuse. Les jésuites sont de ce sentiment, qui sans doute est le plus raisonnable. mais les catholiques riches et établis craignent l'avenir, et appréhendent un retour, qui les ruineroit, &c. Barillon, *ibid.* 135

† One of the objects of the mission of Bonrepaus to England was to induce the refugees to return to France. It appears from his letter of the 5th of May, 1686, that the whole number amounted to about 4,500, out of whom he prevailed on 509 to return to their native country

their representatives to rally in defence of the religion and the liberties of the country*.

- Nov. 9. On the appointed day the king opened the session with a speech from the throne. Having congratulated the two houses on the restoration of domestic tranquillity, he called their attention to the conduct of the militia during the invasion, which had revealed to the world how little reliance could be placed on the resistance of that force to the progress of a foreign and enterprising enemy. On this account he had deemed it necessary for the safety of the nation and the stability of the government to augment the regular army, and he now called on parliament to provide the means of defraying the additional expense. He was aware that some persons bore commissions in that army who were not qualified by law. But they were for the most part personally known to him, and on many occasions had given convincing proofs of their loyalty. "And," he added, "to deal plainly with you, after having had the benefit of their services in the time of danger, I will neither expose them to disgrace, nor myself to the want of their assistance should a second rebellion make it necessary." In conclusion he expressed a hope that this matter would produce no dissension between him and the two houses; and promised that, if they were only steady and loyal to him, he would make them the best return in his power, and venture his life in the defence of their interests†.

- The house of lords returned an address of thanks; the house of commons resolved to consider the speech by paragraphs. The leaders of the court party were the two secretaries, lord Middleton, and sir Richard Graham, lately created viscount Preston of Scotland; of the opposition Seymour, Clarges, Twisden, and Maynard, men of considerable weight, and long parliamentary experience.
13. On the first division the latter obtained the majority by a single vote: in a day or two they held at command a

* *Bardollon*, *ibid.* 132 135. *Burnet*, *iii.* 81

† *Com. Journ.* Nov. 9

majority of thirty or forty voices. 1. The house resolved to grant a supply, but at the same time, that they might mark their disapprobation of the measure suggested by the king, accompanied it with a bill for the improvement of the militia. 2. Instead of assenting to his proposal Nov. in favour of the catholic officers, they promised to relieve¹⁶ them from the penalties by a bill of indemnity, and presented an address, praying that, since to keep them in employment was to dispense with the law without authority of parliament, he would give such orders for their discharge as might remove all apprehension and jealousy from the hearts of his faithful subjects. 3. Having thus signified their wishes, they proceeded to the amount of the supply. The ministers had asked for twelve, their opponents offered four, the house voted seven hundred thousand pounds. But this sum was in reality held out as a lure to the king, the more tempting, because, being unappropriated to any particular object, it might be applied by him as he pleased. James, however, was not a thoughtless, penurious spendthrift, like his brother. His economy was equivalent to an augmentation of revenue; and he resolved to sacrifice the money rather than yield to the discharge of the officers. Sending for¹⁷ the commons, he declared to them in a tone which marked his displeasure more strongly than his words, that he was surprised at their address, that he had already warned them against the evils which might spring from jealousy and dissension; and that he had hitherto persuaded himself that his character for sincerity was a sufficient motive for confidence in his word. However, their jealousy did not make him repent of the promises which he had given, nor would he ever be provoked to break them, ill as he might be treated by the suspicious temper of that house.

The next morning, as soon as this speech had been¹⁸ read, Mr. Coke exclaimed, "I hope we are Englishmen, and not to be frightened from our duty by a few high words." But the house, looking on his language as

disrespectful to the king, sent him, on the motion of lord Preston, to the Tower : for it was the advice of the leaders to pursue their plan steadily but warily ; to maintain at all events the inviolability of the test act, but at the same time to avoid every unnecessary cause of offence*.

Nov. 19. At length the spirit displayed by the commons awakened a similar spirit among the lords. The praise of originating the question was seized by the marquess of Winchester, who called the attention of the house to the illegal employment of catholic officers in the army, and was warmly supported by the lords Anglesey, Halifax, Nottingham, and Mordaunt, and by no one with more effect than by Compton, bishop of London, who stated that he spoke the united sentiments of the episcopal bench, when he pronounced the test act the chief security of the established church. The ministers, with the exception of Jeffreys, offered but a faint and doubtful resistance, and it was ordered that the house should be summoned for the following Monday to take the king's speech into consideration. James, who, like his brother, attended daily, listened to the debate with feelings of vexation and disappointment. He saw the strong opposition which was arrayed against him, and perceived that many of his dependents, even while they spoke in his favour, hoped for his defeat. But it was not in his disposition to yield: whether it were firmness of mind, as his flatterers called it, or obstinacy as it was termed by his enemies, he usually pursued his object with the greater ardour in proportion to the number of obstacles thrown in his way ; and now, instead of conceding to the ascertained opinion of the two houses, he suddenly prorogued the parliament to the 10th of February, with the
20. secret resolution of accomplishing by his dispensing power that object which he was not permitted to effect

* C. Journ. Nov. 12, 13, 16, 17, 18, 20. Barillon in Fox, 129, 141, 146. Reresby, 215, 220. Burnet, iii. 85. Dalrymple, 172. Parl. Hist. 1367, 1386.

constitutionally, with the consent of the lords and commons*.

On the suppression of the rebellion the vengeance of the law had fallen chiefly on the insurgents actually in arms: after the prorogation several persons of higher rank, the suspected, though not avowed, associates of Monmouth, were called upon to establish their innocence. 1. Of these the first was lord Brandon. During the summer lord Grey, the companion of Monmouth in his flight, had betrayed a disposition to make disclosures; the manner in which the overture was accepted, encouraged him to proceed; and he sent to the king a written confession detailing the whole history of the Rye-house plot, and of the invasions of Monmouth and Argyle. James was satisfied: Grey, having received a pardon, Nov. became a legal witness, and on the trial of lord Brandon, 12. repeated in the presence of the court the substance of 26. his previous confession. Notwithstanding the odium which naturally attaches to the man who impeaches his associates, the jury gave credit to his testimony, and the prisoner received judgment of death, but afterwards, on the confession of his guilt, obtained a pardon through the influence of Mason, his wife's sister, and one of the king's mistresses†. 2. The next person arraigned at the bar was Hampden, not for any participation in the late attempt of Monmouth (for he had been two years in con-

* 1. Journ. xiv. 88. Barillon, 29 Nov; 3 Dec. Reresby, 220. 222. Burnet, iii. 85. Rochester had advised the king to purchase votes; but he replied that he had learned the folly of such policy in his brother's reign: when every man who wished to be bought, opposed the court, till he received his price. Barillon, Dec. 13.

† Bar. 10 Sep., 6. 22 Nov.; 13 Dec. Dalr. 173. Bonrepaus, 7 Août. State Trials, xi. 1091, note. This was lord Brandon's second escape, for he had been condemned for murder, but pardoned in the last reign. Reresby, 222. With respect to lord Grey, it may be observed that his outlawry was not reversed till the 17th of June, 1686, when he was restored in blood. Of his character no man can form any favourable opinion, who recollects his seduction of his sister-in-law, the lady Henrietta Berkeley, and his cowardice at the skirmish at Budport. It is, however, but justice to observe that there is no evidence to show that he misbehaved at the battle of Sedgemoor, or was guilty of any substantial misrepresentation in his confession. Such misrepresentation would have been impolitic by misleading James, and must have rendered the witness himself very obnoxious after the revolution. Yet he was created by

finement), but for his share in the Rye-house plot. To his plea that he had been already tried for that offence, it was answered, that in the first instance there appeared but one witness against him, and he was therefore charged only with a misdemeanor: now a second, the lord Grey, would be produced, and he was therefore charged with a different offence, that of high treason. The prisoner, aware of the consequences, preferred to plead guilty, and throw himself on the royal mercy. He was reprieved, a pardon followed: and the court, in obedience to the king's writ, reversed the outlawry *

1686. 3. The lord Delamere, the son of the celebrated sir George Booth, was arraigned before Jeffreys, who had lately been appointed lord chancellor †, and now sat as
 Jan. 14. lord high steward, with twenty-seven peers as his assessors. Delamere's objection to the jurisdiction of the court, and his claim to be tried in parliament, were overruled: but there appeared against him only one positive witness, whose prevarication was too evident to be concealed: and hence, though of his intention to rise in support of Monmouth no doubt could exist, he obtained an unanimous acquittal. James, who watched the proceedings, concurred in the propriety of the verdict: but declared that Saxton the witness, who, to save his own life, had offered himself as an informer, should suffer the punishment both of his perjury and his treason. Of this threat the first part was put in execution. Saxton,
 Feb. 8. having been convicted, stood thrice in the pillory, was

king William earl of Tankerville, and appointed to the offices of first lord of the admiralty and of lord privy seal.

* If we may believe Hampden, in his answer to the house of lords after the revolution, "his friends offered 6,000*l* for his pardon to some in power, who were the lords Jeffreys and Mr Petre. This was effectual. "He pleaded guilty, and obtained his pardon." *L. Journ.* xiv. 379 He died by suicide in 1696

† The lord keeper died Sep 5. The next day the great seal was delivered to the king, "who went immediately to council, everybody "guessing who was most likely to succeed this great officer "most "believing it could be no other than my lord chief justice Jeffreys" Evelyn, iii. 173. See also Barillon, 17 Sep James wrote to him to expedite the business of the council, and gave him the appointment on Sep. 28.

twice publicly whipped, and then committed to prison till he should pay a fine of three hundred marks*.

4. The earl of Stamford was equally fortunate with his associate lord Delamere. A day had been appointed for his trial in parliament: it was postponed by the prorogation, and the king consented that he should take the benefit of an act of amnesty which was published in the spring†. The advocates of James have often appealed to these instances of clemency in answer to the charge so repeatedly advanced by his opponents, that he was a cruel and inexorable enemy, who delighted in shedding the blood of his victims.

In the mean time the diversity of opinion, which prevailed in the council before the last session of parliament, had led to the formation of two hostile parties at court under the rival statesmen, Rochester and Sunderland. Rochester still held the first place in the administration. his attachment to James in the time of adversity gave him a strong claim on the gratitude of the monarch: and his interest was supported by the duke of Ormond, the lords Feversham, Dartmouth, Middleton, and Preston, by the majority of the episcopal bench, by the envoys of all the powers hostile to the ambitious projects of Louis XIV., by the moderate party among the Roman catholics, who promised themselves more real benefit from his connivance than from the interested zeal of his competitor, and (which may surprise the reader) in some measure by d'Adda, the papal representative, who, though he took no prominent part in politics, secretly sought and followed the counsels of the Spanish ambassador, the friend of Rochester. On the other hand, Sunderland, aware of the

* State Trials, xi. 509-600. Dalrymple, 166. Ellis Cor. i 16-22

† Gazette, 2120 This pardon contained a great number of exceptions, among which the most singular was that of the girls who presented the bible and sword to Monmouth at Taunton, not that it was intended to bring them to punishment, but to make the parents, the real delinquents, pay for the disloyal office which they had imposed on their children. For the pardon of each a fine, was required proportionate to the circumstances of the parent, and the whole sum was divided among the queen's maids of honour. Memoirs of the life of judge Jeffreys, 215.

offence which he had given in the late reign, laboured to atone for his past misdeeds by a blind devotion to the pleasure of the sovereign. Among the protestants he was assured of the hearty co-operation of Jeffreys, and he indulged a persuasion that he might also rely on the more doubtful support of lord Godolphin: but his principal hope of success was in the influence of father Petre, of the queen-dowager, and of the ultra-catholics, whom he had bound to his interests by constantly putting himself forward as their devoted friend and champion. In point of rank and patronage a secretary of state was indeed no match for a lord high treasurer: but Sunderland did not despair of obtaining the staff on some future occasion, and, as an intermediate step, at-
 1686. tempted to add to the office which he held that of presi-
 Mai. dent of the council. On the removal of Halifax, he
 16. asked it of the king, and met with a refusal. He next employed the good offices of Jeffreys, but Jeffreys proved equally unsuccessful. As a last resource Petre was brought forward, to represent to James that it was as much his interest to reward the man, who seconded his views in favour of the catholics, as to disgrace *him* by whom they had been thwarted. His reasoning or importunity prevailed: after the prorogation Sunderland, without resigning the secretaryship, took his place as president of the council; and this promotion was hailed by his dependents as a proof of increasing interest with the king, though it still remained a problem with many which of the rival ministers would ultimately prevail*.

It seems never to have entered into the minds of statesmen at this period, that it might be a duty to

* See Barillon, l. 5. 26 Nov. 17 Dec. Fox, App. 127. 130. 144. Though Barillon foretold that his friend Sunderland would be successful, yet Bonrepaus, the other French agent, was as confident of the triumph of Rochester. As late as March 28, 1686, he writes: "je n'ai pas une si grande idée du crédit de myl. Sunderland, et je juge toujours qu'il y a plus de solidité dans la fortune de myl. Rochester"

resign office, rather than lend the sanction of their names to measures which they condemned. Their oath bound them to express their opinion in council : when this was done, they conceived that they had discharged their consciences ; and it only remained for them to expiate their presumption in differing from the sovereign by their humble submission to the royal will. Hence the two leaders continued to act together in the cabinet, though guided by opposite views, and pursuing opposite interests. On the one hand, Rochester and his friends allowed no opportunity to escape them of diverting the king from his favourite plans in behalf of the Roman catholics. They conjured him not to alienate the affections of his people by the pursuit of measures repugnant to their prepossessions and their feelings. Rather let him attach them to himself by entering into treaties with foreign princes, for the purpose of establishing a balance of power in Europe, and of restraining within its ancient limits the overwhelming preponderance of France. This would raise him to a higher degree of importance and reputation than had fallen to the lot of any among his predecessors : this would restore harmony between him and his parliament : this would enable him to obtain from the gratitude of his people much that he could not now accomplish without risk both to himself and the objects of his favour. On the other hand it was the study of Sunderland and the ultra-catholics to watch and defeat the manœuvres of their opponents. They constantly reminded James that if ever he suffered himself to be drawn into a war, from that moment he would become dependent on the good pleasure of his parliament. The present was a favourable opportunity of rescuing the catholics from oppression. If he listened to the advice of their enemies, he would forfeit it, and probably for ever. On the contrary, he had only to preserve peace abroad, and he might give the law at home ; to keep himself from dependence on parliament, and

the parliament would at last fall into dependence upon him*.

Much as James had set his heart on the relief of his catholic subjects, there were times when he seemed disposed to follow the opposite advice of Rochester, induced by his ambition of military fame, and his impatience under the superiority assumed by the French monarch†. Of this Louis himself was aware. From the first he doubted the sincerity of the attachment which the English prince professed for him to Barillon, and had not long to wait before this suspicion was fully confirmed. Within six months after his accession James
 17 concluded a treaty with the States General, which renewed the former treaties between the two powers, and in particular the defensive alliance of 1678. On the receipt of the intelligence, Louis reprimanded the ambassador for his want of vigilance or of foresight: and instructed him to abstain, indeed, from noticing what was passed—for it was beneath the dignity of a king of

* See Barillon's letters of Nov. 12 and 26, in Fox, App. 135-143, and his unpublished letters of Nov. 22, Dec. 13, Feb. 7, and Feb. 25. "On n'omet aucun soin, aucun artifice pour engager le roi à leur une conduite moins ferme . . . Les catholiques sont partagés entre eux. Les uns voudroient qu'on se servit de l'occasion présente . . . les autres craignent l'avenir . . . Ceux qui ont le plus de relations à la cour de Rome sont de cet avis . . . si le roi étoit dans des intérêts opposés à ceux de la France, il auroit les vœux du peuple, et de grands secours du parlement. Le danger de cet avis est connu des catholiques qui ont le plus de part à la confiance du roi . . . Les jésuites sont joints à ceux-ci. Les autres attendent beaucoup des ministres du pape. Ce pendant, M. d'Adda est circonspect et réserve . . . Le P. Peters jésuite est le plus autorisé. M^{rs} Arundel m^{rs} Trecornell, m^{rs} Donvres consultent souvent avec m^{rs} Sonderland. C'est par eux que les principales affaires se dirigent. Le grand trésorier se renferme dans la fonction de sa charge. Il est regardé comme le soutien de la religion protestante auprès du R. d'A . . . Il se flatte de pouvoir se conserver dans le post où il est. . . M^{rs} Sonderland va toujours son chemin, et suit aveuglément les volontés de son maître. Le chancelier est entré-ment réuni avec m^{rs} Sonderland. M^{rs} Godolphin même paroît agir de concert avec eux, quoiqu'il ait beaucoup de circonspection. M. d'Adda craint qu'on n'en use trop, et cela lui est inspiré par l'ambassadeur d'Espagne, qu'il voit tous les jours . . ."

† "On le croit flatté de l'envie de tenir la balance dans les affaires de l'Europe, et d'être regardé comme le seul capable de mettre des bornes à la puissance de votre majesté et à ses desseins." Barillon, 13 Dec

France to complain—but to watch with jealousy the subsequent proceedings of the English cabinet, to prevent by every means in his power the conclusion of similar treaties with other states, and to keep up a secret understanding with some members of parliament, who, in the event of an alliance between James and the enemies of France, might labour to embarrass and defeat the measures of government*. It happened that the very circumstance, which alarmed Louis, encouraged the Spanish ambassador to propose not only a renewal of the last treaty with Spain, but also of the triple alliance against France. All the agents of friendly powers at the British court came forward to his assistance, the adherents of the prince of Orange, the mortal foe of Louis, added their endeavours; and Rochester with his dependents advised and entreated the king to assent. But Baillon was on the watch: against this formidable host he arrayed Sunderland and the ultra-catholics, and James, after some hesitation, declared his resolution not to enter into any engagement which in its consequences might probably draw him into hostilities. Louis was not ungrateful on this occasion. He granted to Sunderland an annual pension of 60,000 livres (4,500*l.*): then, on the representation of that wily statesman, he consented to pay it half-yearly in advance; and afterwards, on more than one occasion, he doubled the amount, to mark his sense of the distinguished services rendered to him by the English minister†. Never, perhaps, was the French monarch more egregiously deceived. He persuaded himself that he had made an advantageous purchase,

* Baillon, 16, 19 Nov. Fox, App. 136. The object of Louis during the reign of James was the same as it had been during that of Charles, to prevent the king of England from interfering to his prejudice in the affairs of the continent. Hence Baillon was instructed on the one hand to urge James to the adoption of measures in favour of the catholics, measures which would necessarily embroil him with his protestant subjects, and on the other to provide a party in parliament ready to oppose any project formed by James, which might prove hostile to the policy of Louis. The one and the other he was to effect by the same expedient, promises and presents of money. Despatch to Baillon of Nov. 19.

† Baillon, 26 Nov; 6 Dec., 18 Feb.

but in three years the whole profit was reaped by his most formidable enemy, the prince of Orange.

This was followed by a more mysterious intrigue, in which, after a doubtful contest, Sunderland again obtained the victory. Though James had sacrificed place and power to the profession of his religion, he was unwilling to sacrifice his pleasures to the observance of its precepts. To his favourite mistress, Arabella Churchill, he had substituted one of the maids of honour to the queen, Catherine Sedley, daughter of Sir Charles Sedley of profligate memory. Of personal charms she was unable to boast: her power of captivating her lover was owing to her wit and conversation; and the duke, though report assigned to him a successful rival in colonel Graham, the keeper of his privy purse, was willing to believe himself the father of her two children*, settled on her an income of 2,000*l.* a-year from his private estate, and made to her a present of a spacious mansion in St. James's-square. Soon after his accession the catholics remonstrated against the scandal given by this amour. Overcome by their entreaties, he consented to bid her an eternal farewell; but at the same time to appease her discontent, doubled her yearly allowance, and commissioned Graham to decorate her house, and furnish it at his expense. Sedley was aware of her empire over his heart: though he refused to see her, she kept possession of her apartment at Whitehall; after three months by accident or design they met at the lodgings of Chiffinch; the amour was renewed; he visited her, at first clandestinely, afterwards more
Jan. 21. openly, and at last put into her hands a patent creating her countess of Dorchester. This was perhaps a spon-

* One of them died young; the other, lady Catherine Darnley, was married to the earl of Anglesey, and afterwards to the duke of Buckingham. The mother herself married the earl of Portmore. When queen Mary, the daughter of James, after the revolution, turned her back on the countess, that lady exclaimed, "I beg your majesty to remember that, if I broke one of the commandments with your father, you broke another against him. On that score we are both equal." Lord Dartmouth, in notes to Burnet, iii. 114.

taneous act on the part of the king or might have been wrung from him by the importunity of Sedley : but at court both the friends and foes of Rochester attributed it to the policy of that statesman, who sought to place her in the situation occupied by the duchess of Portsmouth in the last reign, and persuaded himself that he should be able to govern the king through the influence of the mistress.

The queen, Maria d'Este, possessed not the mild and submissive temper of the consort of the late monarch. She upbraided her husband with his infidelity ; she declared that she would withdraw to a convent, rather than witness her own degradation ; and it was remarked that, on two successive days at dinner, she neither ate, nor uttered a word to the king. Sunderland was at hand to inflame her jealousy, and point her resentment against Rochester : he called the principal catholics to her aid, representing to them that all their hopes of relief would vanish, if they suffered a protestant mistress in the interest of their adversary to be established near the throne ; Jan. 25. and he advised the queen to summon to her apartment himself, the lord chancellor, Mansuete, a capuchin friar from Lorrain, who was the king's confessor, Petre the jesuit, with the most distinguished of the catholic clergymen, and all the catholic noblemen at court. When James entered to visit the queen, he was instantly assailed by their united remonstrances against an attachment so injurious to his consort, so disgraceful to his religion, and so prejudicial to his own interest. He was surprised, abashed, and subdued. Having pledged his word to separate from Sedley for ever, he sent her an 27. order to withdraw from Whitehall to her own house, and thence to France, or Flanders or Holland ; but in the order itself he betrayed a consciousness of his own weakness, by acknowledging that he dared not trust himself so far as to communicate his resolution to her in person. Sedley treated both the message and the messenger with scorn : she was an Englishwoman, and would dwell

where she pleased: if the king determined to remove her, he must do it by force; and in that case she would apply for a writ of habeas corpus; and recover her liberty. James submitted to her caprice: a personal interview was granted, and in conclusion she consented to quit England, and fixed her residence on an estate in Ireland, a present to her from her lover*.

Feb.
17.

Her departure was celebrated as a triumph by Sunderland, who had not only defeated the machinations of his competitor, but also rendered him an object of suspicion, if not of aversion, to the queen. On the other hand Rochester was not wanting to himself. He endeavoured by numerous protestations to convince her of his own innocence, and to lay the whole blame exclusively on the king†. But in a short time the friendship or enmity of the queen became to these ministers a matter of small moment. It appeared that she possessed no political influence with her husband, unless it was at the time of their domestic bickerings, when, to mitigate her displeasure, he seemed to listen to her advice, and granted her requests. But the eclat of their late quarrel proved a lesson to them both. Sedley, indeed, returned after an exile of six months, and the king continued his visits to her as well as to other women: but he now laboured by every artifice in his power to conceal his amours from the eyes of others, and Mary had generally the good sense, even when she was apprised, still to appear ignorant, of his misconduct‡.

Aug.

From these intrigues we may pass to the measures adopted by the king in favour of the catholics. On his

* The particulars are selected from several letters of Baillon (22 Feb. 1685, 31 Jan.; 4 7. 18 28 Feb. 1686), who espoused the part of Sunderland and from others of Bonrepaus (31 Jan., 4 7. 11 Feb.), who was friendly to Rochester. See also the Ellis Correspondence, i. 23. 35. 38. 42. 47. 58. 92. Reresby, 230; Evelyn, in. 200; and Burnet, 113. 234.

† There is, however, reason to suspect that he was not accused unjustly, from the valuable presents which he had previously made to her, and the great intimacy in which she afterwards lived with him and his brother. See Clarendon's diary for the year 1690; and Mr Singer's note, p. 313.

‡ Baillon, 2 5 23 Sept. 1686. Bonrepaus, 4 Junn, 21 Juillet, 21 Août, 1686, and an anonymous mémoire in vol. 154 du Ministère des Affaires Étrangères, Supplément, 1687, 1688.

accession he had sent Mr. Caryll, a gentleman of talents and fortune, to Rome, as an unavowed but confidential agent, to solicit the dignity of cardinal for Rinaldo d'Este, the queen's uncle, and a mitre for Dr. Leyburn, auditor to cardinal Howard. To the first request the pope, Innocent XI., though he did not return a positive 1685. refusal, thought proper to demur: but Leyburn was in-^{Sept.}vested with the episcopal character, and, on his arrival ^{9.} in London, received lodgings in Whitehall, with a yearly pension of 1,000*l.* out of the privy purse. He was fol-^{Nov.}lowed by Count Ferdinando d'Adda, with the powers of ^{6.} papal nuncio, but without any public character. This agent had been instructed to respect the religious prepossessions of those among whom he was to sojourn, to exhort the king to temper his zeal with prudence and moderation, and to solicit his intercession with the French monarch in favour of the French protestants. It was previously known to James and his more zealous advisers that the pontiff disapproved of their ardour and precipitancy: but they laid the blame on the timidity of Caryll, and advised the appointment in his place of lord Castlemaine as royal ambassador; his public character would insure attention to his representations; and his past sufferings in consequence of Oates's plot would be a recommendation in his favour. There seemed something ridiculous in the selection of the husband of the duchess of Cleveland for this mission to the pontiff, and it was with unfeigned reluctance that Castlemaine himself accepted the office. His instructions bound him to seek 1686. the advice of the general of the jesuits, and to live on ^{Jan.}terms of intimacy with the French ambassador; instruc- ^{7.}tions ill calculated to beget the good-will of the pontiff, who was no great friend to the "society," and still less to France or the connections of France. The parade with which Castlemaine entered Rome, and the enthusiasm with which he was hailed by the Romans, might gratify the vanity, but the issue of his negotiation, as will be afterwards shown, disappointed the expectation, of his sovereign.

- Jan. At home the king pursued with ardour his project in
 9. favour of the catholic officers in the army, and at first had the satisfaction to find himself successful. Patents under the great seal were issued, discharging them from the penalties to which they were liable by the statute of the 25th of Charles II. and enabling them to hold their commission, "any clause in any act of parliament notwithstanding." This kind of expedient had first been suggested to James in the reign of his brother by Herbert, chief-justice of Chester, who waited on the duke on his return from Scotland, and informed him, that, if he sought to resume his office of lord high admiral, the test act could oppose no effectual bar to his desire, because it was in the power of the king to dispense with that statute. The opinion of Herbert was confirmed by that of Jeffreys after his elevation to the bench: and it is not improbable that such a dispensation was secretly obtained by the duke, before he entered on the duties of a privy counsellor and lord high admiral towards the close of the last reign*. He now asked for the opinions of the several judges separately and in private: those who doubted, he desired to argue the question with the lord chancellor;
- April
 29. and the indolence of four was punished by their removal, and the vacancy filled by others, of more cowardly principles or less scrupulous ambition†. The result was now certain, and Godden, coachman to sir Edward Hales, received instructions to bring an action for the penalty of 500*l* to which his master was subject, for holding the commission of a colonel in the army without having previously qualified according to the provisions of the test act. Hales pleaded a dispensation under the great seal: and the cause was heard in the court of king's bench before the same Herbert, now lord chief justice, and a lawyer whose upright and blameless conduct was

* James (Memoirs), ii. 81. Ellis Correspondence, i. 7.

† On the first of January Baillon informed his court of this determination, adding: "il faudra que tous les juges confirment cette dispensation, autrement ils ne conserveront pas leurs places." The office of chief justice of the common pleas was worth 5000*l* per annum. Baillon, 10 Jan.; 25 Feb.; 25 Avril; 2 Mai. See also Ellis' Correspondence, i. 44.

calculated to give weight to his judicial decision. He openly professed to entertain no doubt : but the question was of the first importance ; and before the court gave judgment, he would consult the rest of his brethren. Nine concurred with him in opinion : of the two dissentients Powel, after some delay, came over to the majority, and the only one who persisted was Street, a judge of a very indifferent reputation. Fortified in this manner June 21. Herbert delivered judgment in favour of the defendant, on the ground that the king of England was a sovereign prince, and that the laws were his laws, whence it followed that it was part of his prerogative to dispense with penal laws in particular cases and upon necessary reasons, of which necessities and reasons he was the sole judge ; and that this was not a trust committed to him by the people, “ but the ancient remains of the sovereign prerogative which never yet was taken, nor can be taken, “ from the kings of this realm *.

The decision of the court gave much dissatisfaction ; but, though it was severely censured, it does not appear to have been contrary to law, as the law at that period was generally understood. That it is subversive of the principle on which the legislative authority is established, cannot be denied : but the dispensing power had at all times been claimed and exercised by our kings ; and its existence was admitted by the lawyers, though they differed in opinion as to the limits within which it ought to be confined, a question the solution of which depended on the judgment and political bias of each individual. Had James been a protestant, or had the dispensation regarded any other matter than religion, it is possible that his claim would not have been disputed : but men were alive to the danger which, it was said, threatened the established church ; they looked on the test act as its principal bulwark ; and when they found that this

* State Trials, xi. 1165—1199. The tract of Sir Edward Herbert in support of his judgment, and the opposite treatises of Sir Robert Atkins and Mr. Attwood follow in the same volume, 1199—1315.

bulwark could be undermined by the dispensing power, they argued that such power ought no longer to be intrusted to the crown. James was not of a disposition to concede to these apprehensions. He exercised his claim without restraint; and every repetition served to add to the dissatisfaction and alienation of his subjects, till the despair of obtaining redress from the good sense of the monarch urged them to place another prince on the throne. Yet even then, in the declaration of right, which the two houses made at the time when they tendered the crown to William and Mary, they did not absolutely deny the power of the sovereign to dispense with the law in particular cases, but in more cautious and qualified language asserted, "that it was illegal, as "it had been assumed and exercised of late." The consideration, however, of what was past, induced them subsequently to provide for the future; and the claim of the sovereign was very wisely abolished by the bill of rights which enacted, that "after the then session of "parliament no dispensation with any statute should be "valid, except where the king is especially authorised to "dispense by act of parliament."

Jan. 1. The reader is aware that the first among the prelates, who ventured openly to join the standard of opposition in the house of lords, was Compton, uncle to the earl of Northampton, and formerly an officer in the army. He was soon made to feel the royal displeasure, by his removal from the council and from the office of dean of the chapel, but was amply repaid for the loss with the general approbation of the people. His example excited a similar spirit among the clergy of the metropolis; and the pulpits were constantly supplied with preachers, who fiercely declaimed against the erroneous doctrines imputed to the church of Rome, and in warm language exhorted their hearers to a steadfast adhesion to the reformed faith*. The king was surprised, perhaps

* Evelyn, m 199 Reresby, 226 232 Ellis Corresp i. 36 Barillon, 3 Janv 29 Avril

alarmed: for the obvious tendency of their sermons was to infuse a jealousy of his designs, and to prepare the popular mind for resistance. He considered such discourses as inconsistent with the established doctrine of passive obedience, and contrary to the professions of attachment to his person, which had formed the burthen of the numerous addresses from the ecclesiastical bodies. Hitherto he had committed no positive act of aggression against the church: but from this time he seems to have argued, that the clergy, by breaking their promises to him, had also released him from his engagements to them. In virtue of his ecclesiastical supremacy he sent to the two archbishops certain directions for preachers, commanding them to lay aside questions of controversy, and to confine their discourses to subjects of moral divinity and of a holy life. Many complied, but many also refused, and gloried in a disobedience which obtained for them the applause of their hearers. The first who was visited with any mark of the king's displeasure, May was Dr Sharp, dean of Norwich, and rector of St. Giles's, 2. who had preached a sermon animadverting in no very measured terms on the motives of the new converts to the church of Rome: but the bishop of London, instead June 17. of executing the royal order to suspend him from the office of preaching, was content with advising him to remain silent, till he had satisfied the king of the propriety July 1. of his conduct. This disobedience of the prelate led to the establishment of a new ecclesiastical commission.

By the first of Elizabeth it had been enacted that the kings and queens of England should have full power to appoint persons to exercise for them their ecclesiastical authority, and to visit, redress, correct, and amend all errors, schisms, offences, contempts, and enormities which by any manner of ecclesiastical power could be lawfully redressed, corrected, and amended. It was, indeed, true that by another statute of the 17th of Charles I. the clause granting that power was repealed and all letters-patent erecting new courts similar to the high commission court, and all powers and author-

ities granted thereby, were declared utterly void and of no effect. But this last act had also in its turn been repealed by the 13th of Charles II. c. 12, which, while it put down the high commission court with its *extraordinary* powers of imposing fines, committing to prison, and tendering the oath ex-officio, preserved to the spiritual courts the exercise of their *ordinary* jurisdiction, and to the crown that of its *ordinary* supremacy. James, to whom it seemed incongruous that he, a member of the church of Rome, should inquire by virtue of the supremacy into ecclesiastical offences committed by members of the church of England, consulted the judges, and was by them advised to appoint a standing court of delegates with *ordinary* powers to hear and determine ecclesiastical causes, and to pronounce on offenders ecclesiastical censures. To this effect a commission in most ample form was directed to the archbishop of Canterbury, to the bishops of Durham and Rochester, the lord chancellor, the lord treasurer, the president of the council, and the chief justice of the common pleas *, who (with the exception of the metropolitan) summoned the bishop of London before them to answer for his contempt in omitting to suspend Dr. Sharp. They refused to listen to his plea in bar of their jurisdiction; but allowed him sufficient time to prepare his answer.

July 14. 31. He alleged that to comply with the royal mandate by any judicial act was not in his power, because the offence had never come judicially before him, but that he had complied with it in substance by advising and inducing Sharp to abstain from preaching. If, however, he had, in the opinion of the commissioners, erred through mistake, he was ready to beg the king's pardon, and willing to make reparation for his fault.

The commissioners were divided in opinion. Roches-

* See it in History of King James's ecclesiastical commission, p 2. Rapin tells us (xv 74) that several catholics were in the commission, an extraordinary mistake as is evident from the instrument itself. Neither is it true that the commission was appointed in April but not opened till August on account of the doubts entertained of its legality. The day on which the patent was sealed was July 14th. (Evelyn, iii. 213.)

ter (and he was feebly seconded by Jeffreys) contended that it was but fair to allow the prelate time to do now, what he had been ordered to do at first: Sunderland and the bishop of Durham, that as delegates they ought to lay the whole matter before the king, and abide by his decision. But James had no compassion on the delinquent: it was to him, when duke of York, that Compton owed his nomination to the see of London, and yet that prelate had been the first to excite the jealousy of the clergy, and the alarm of the people to the prejudice of his benefactor. The king insisted that he should suffer in punishment of his ingratitude. Immediately Rochester, the protector of the church in council, withdrew his opposition; the commissioners suspended Compton from Sept. the exercise of the episcopal jurisdiction during the 6. royal pleasure, and the administration of the diocese was entrusted to the three bishops of Durham, Rochester, and Peterborough. Sharp was also suspended, but restored on 1687. his submission. His diocesan's more warlike spirit re-Jan. fused to bend. He remained in disgrace, deprived, indeed, of ecclesiastical authority, but invested with the honours of a martyr in the estimation of the people, who gave to his judges the title of the congregation de propaganda fide, transferred from Rome to London.*

Such were the principal events of the second year of the reign of James: but with them were intermixed several other occurrences, of minor interest it is true, but strongly calculated, in the existing disposition of the public mind, to foment the jealousy of the people, and to diminish the popularity of the monarch. 1. about the

* See the whole process in the State Trials, xi. 1156—1166, and the history of the ecclesiastical commission. Also Ellis Corresp. i. 60, and Barillon, 12 19. 23 Sept. The archbishop would not act. He objected to the superior authority given to a layman, the chancellor, who was to be always present, and excused himself on account of his age and infirmities. (See his petition in App. to Clarendon's diary) James saw his true reason, and erased his name not only from the list of commissioners, but also of privy counsellors, saying that if he was too infirm to be of the first, he was equally so to be of the other. Barillon, 26 Août, 2 Oct. Lord Mulgrave was substituted for him.

- beginning of the year several protestant clergymen professed themselves converts to the Roman catholic faith, among whom were Obadiah Walker, master of University College, Boyce, Dean, and Bernard, fellows of different colleges, and Selater, curate of Putney and Eshare.
1686. Feb. 3. James hastened to grant them dispensations, by which they were empowered to enjoy the benefits of their respective situations without taking the oaths, or attending the established worship*: though at the same time he imposed on Selater the obligation of providing fit ministers to perform his clerical duties according to the book of common prayer. In defence of his conduct James maintained that it was incumbent on him to see that no man should suffer, because he had the courage to follow the dictates of his conscience; but even this shallow pretext was wanting with respect to another proselyte, Massey, fellow of Merton, whom the king appointed dean of
16. Christchurch, giving him at the time of his appointment a similar dispensation, in virtue of which he occasionally took his seat in the meetings of the chapter. What ever he might have thought of the other cases, this was so manifest a violation of the rights which he had promised and sworn to uphold, that it is difficult to conceive by what sophistry the misguided prince could justify it to his own satisfaction†. 2. The condition of the

* Soon after his accession, the king had found in the closet and in the strong-box of his brother, and in his hand-writing, two papers on the respective claims of the churches of England and Rome, and giving the preference to those of the latter. He showed them at first as a favour to different individuals, to Baillon, to the archbishop of Canterbury, to whom he said, in a tone of triumph, that whenever they were refuted he would become a protestant (James, *Memoirs*, ii. 8), and to Pepys, to whom he also gave a copy (Evelyn, *Diary*, iii. 181, iv. 279). Evelyn (*ibid.*) and Burnet (ii. 47) did not think Charles capable of composing them, but Halifax (*Character of Charles II.*) saw no reason to question his being the author. The same inference must be drawn from the fact that according to Evelyn (*ibid.*) they were "blotted and interlined," and according to Baillon had been corrected in several places, "comme s'il y" "avoit mis la main plus d'une fois," 2 Avril, 1685. Of course the anecdote told by Macpherson, *Hist.* i. 422, must be unfounded. In 1686 James permitted them to be printed. They may be seen in Harris, *Charles II.* p. 65.

† Gutch, *Miscel.* i. 287. 290. 294 Reresby, 233 Ellis Cor. i. 55. 210.

French refugees continued to claim the public attention. A brief was read in all the churches for their relief, and several tracts were published to excite in their favour the commiseration of the people. Among these was the translation of a treatise in the French language, written by the celebrated minister Claude, and describing in vivid colours the inhumanity of Louis and the wrongs of the sufferers*. Barillon complained of it as a libel on his sovereign, and James declared his pleasure in the council that it should be burnt by the hands of the public executioner. Jeffreys objected that it was a foreign book, on foreign matters, and containing nothing against the peace of the realm: but the king replied that it was the common duty of sovereigns to protect each other from the pens of libellers: the obnoxious pamphlet was ig- May
nomously delivered to the flames: and this treat- 5
ment, while it added to the circulation of the book, excited considerable discontent in the people, and was taken as a sign that James approved in his heart of the persecuting measures pursued by the French monarch†. 3. Though the ancient worship was still proscribed by law under the penalties of imprisonment, forfeiture, and death, the catholics for the last four years had been permitted to practise it in private houses without molestation. But James was not satisfied with mere con-
vinance: he deemed it both his duty and his interest to give protection to the public exercise of his religion: and with this view he threw open the old chapel at St James's, which had been closed for a considerable period, persuaded Sandford, an Englishman, and envoy April
23.

218. 21 Mars. At Gloucester the new mayor refused the oaths in virtue of a similar dispensation. Id 31 Oct. The conversion of Scheler lasted as long only as James was on the throne: on May 5, 1689, he recanted publicly, and became once more an orthodox protestant.

* "Les plaintes des protestants cruellement persecutés dans le royaume de France."

† Barillon, 13 Mar. Before this letter reached Paris, Louis had written to the ambassador to abstain from noting the book, "ces sortes de livres, pendant ordinairement leur crédit par le peu d'attention qu'on y fait." 17 Mai

- from the elector palatine, to fit up a second chapel at his residence in the city, and built for his own use a third at Whitehall, which was opened with great solemnity at the festival of Christmas. Successively colonies from the several religious orders established themselves in different places, one of Benedictines at St. James's, another of Carmelite friars in the city, a third of Franciscans in Lincoln's-inn-fields, and a fourth of Jesuits in the Savoy, under a rector of the name of Palmer. The last opened a large school which was frequented by protestants as well as catholics, on an understanding that the teachers should not interfere with the religious principles of their pupils*. 4. As these novelties were of a nature to beget irritation, so they provoked, as was to be expected, occasional breaches of the peace on the part of the lower classes: but James had prepared an effectual check on the ebullition of popular resentment by the presence of an army of about 16,000 men, consisting of twelve battalions of infantry and thirty-five squadrons of cavalry, encamped on Hounslow-heath. Recollecting his employment as general in the French service, he felt a pride in modelling his troops, and fatigued himself and them with repeated inspections and reviews. In the general opinion this army was the best paid, the best appointed, and the best disciplined in Europe. But at the same time rumour was busy in attributing the king's diligence to designs against the religion and the liberties of his subjects. It was remarked that several of the officers were catholics; the piety of all good protestants was scandalized by the public celebration of mass in the tent of lord Dunbarton, the second

* James, ii 79, 80. Barillon, 29 Avril, 6 Mai. Ellis, Corres i. 84. 118. The success of this establishment at the Savoy exceeded the king's expectations. In a short time the scholars, attracted by the celebrity of the teachers, amounted to about 400, half protestants and half catholics (James, ii 80). He was even induced to found a second school in the city, of which Charles, the brother of Edward Petre, with six other jesuits, took possession on March 25, 1688. But the revolution followed too quickly to permit it to flourish like the former. Oliver, Collect. 149.

in command *: and in a short time a printed paper was May
circulated through the camp, calling on the men "to 24.
" be valiant for the truth ; not to yoke themselves with
" bloody and idolatrous papists, and to refuse a service
" the object of which was to set up mass-houses, and to
" bring the nation under the tyranny of foreigners "
That the publication was libellous and seditious, no one
could deny : it was traced to Dr. Samuel Johnson, formerly chaplain to lord Russell, and convicted in the last
reign of having published "Julian the apostate," a libel
on the duke of York. For this second offence he was Nov.
tried at the bar of the king's bench, found guilty, and 16
adjudged to stand thrice in the pillory, to be whipped from
Tyburn to Newgate, and to pay a fine of 500 marks.
Much intercession was made for him : but James was inexorable : and therefore, previously to his punishment, to
save the honour of the clergy, he was solemnly degraded
from the order of priesthood, in the chapterhouse of St.
Paul's, by Crewe, Sprat, and White, the bishops of Dur- 20.
ham, Rochester, and Peterborough†. 5. The king was
not content with empowering catholics to hold commissions in the army, or to retain situations in the universities,
he resolved to introduce them into the privy council, and,
soon after the declaration of the judges in favour of the July
dispensing power, he ordered the lords Powis, Arundell, 17.
Belasyse, and Dover, to take their places at the board,
without having previously qualified themselves by the
test according to law. It was, he maintained, a part of
his prerogative to avail himself of the advice of any of
his subjects, whatever might be their religious opinions :
but the people, instead of admitting the claim, looked
upon it as an open avowal of his intention to subvert
the protestant establishment. He made at the same
time another appointment, which, had it been known,
would have added considerably to the public irritation.
Of the catholics no one, whether it was owing to the

* Barillon, 6 Juin, 11 Juillet.

† State Trials, 1339, 1350. Oldmixon, 709. Ellis, Corres. i. 190 197.

merits of the individual or the arts of Sunderland, had obtained so high a place in his favour and confidence as father Petre. To him had been given the superintendence of the royal chapel; he was lodged in the same apartments at Whitehall which James had occupied when he was duke of York, and he was named a privy councillor at the same time with the four peers*. The impolicy of this appointment was too glaring to escape the notice of any man of ordinary apprehension. James owns that he himself was aware of it: and can allege no other plea in excuse, but that "he was so bewitched by "my lord Sunderland and father Petre, as to let himself "be prevailed upon to doe so indiscreete a thing†." What induced Petre to accept the office is not mentioned. But the policy of Sunderland is obvious. He made the presence of the Jesuit a screen for himself: for, as long as the former occupied a place in the council, to him chiefly would attach the odium of every measure offensive to the feelings, or prejudicial to the interests, of protestants‡. The catholic lords, however, were alarmed: they communicated their apprehensions to the queen; and with the aid of her entreaties James was at length persuaded, not, indeed, to revoke the appointment, but to suspend its publication. In effect, he waited only for the result of Castlemaine's negotiation at Rome, and persuaded himself that, when his friend was, as he expected he would be invested with the episcopal character, less objection would be offered to his introduction into the council§. 6. Petre repaid the services of Sunderland by the employment of his influence to effect the removal of Sunderland's competitor. The disapprobation, which Rochester constantly expressed in council, of the measures taken by James, mortified the king: but his resentment was as often checked by the humble submis-

* Ibid. Ellis, *Corresp.* i. 149-196. Baillon, 22-29 Juillet, 21 Nov.

† James (*Memoirs*, ii. 77)

‡ Life of James, ii. 77

§ Ibid. and see the next chapter.

sion of that minister to the royal will, after he had once delivered his opinion. The two intriguers adopted a new argument. They represented to James that he must never expect to carry the abolition of the test act in parliament, as long as the opposition was led by one of his own ministers, the highest in rank, and the first in influence and patronage*. This the king admitted; but his reluctance to disgrace an old and tried adherent suggested to him the hope of escaping from the difficulty by the conversion of Rochester to the Roman catholic faith. At his request the earl conversed in Nov. 12. private with Dr. Leyburn on two subjects, the real doctrine of the Christian church during the first five centuries, and the necessity of an infallible authority in matters of faith: afterwards the question of the real 30 presence was debated before him and the king without any attendants, by the doctors Jane and Patrick on one side, and Leyburn and Gooden on the other: and Rochester in conclusion observed that the disputants "had "discoursed learnedly, and that he would attentively "consider their arguments." The king was disappointed: he complained to Barillon of the obstinacy and insincerity of the treasurer†: and the latter received Dec. 3. from the French envoy a very intelligible hint that the loss of office would result from his adhesion to his religious creed. He was, however, inflexible, and James, 19. after a long delay, communicated to him, but with considerable embarrassment and many tears, his final determination. He had hoped, he said, that Rochester, by conforming to the church of Rome, would have spared him the unpleasant task: but kings must sacrifice their feelings to their duty. That interest which *he* owned and supported, the earl opposed: it was necessary to put an end to such opposition. If time were required

* Barillon, 23 Sept; 4 18. 21 Nov.

† Barillon, 12 20 Dec, 9 Janv. While James complained on one side of his obstinacy, the zealous protestants complained on the other, "that "he remained so far in suspense as not to declare which side had the "better." *The True Patriot Vindicated*, p. 88.

for deliberation, he should have it: if not, he might still be assured that his past services would never be forgotten, and that he would always find in his sovereign a friend and protector for himself and his family. What answer was returned we know not: but its import may be collected from the result. James abolished the
 1687. office of lord high treasurer, whose duties were intrusted
 Jan. 3. to a board of commissioners, and the fallen minister received, as a proof of the royal gratitude, lands to the yearly value of 1700*l.* out of the forfeited estate of lord Grey, and an annuity of 4000*l.* out of the private estate of James himself, to continue to him and his son for the term of ninety-nine years, but to determine on the death of the survivor*.

The disgrace of Rochester spread alarm among the friends of the established church. In him they had lost their most powerful support. But, though they complained of the past and feared for the future, they did not yet suffer their discontent to goad them into acts of resistance. From the fate of the insurgents under Monmouth they had learned a salutary lesson, and deemed it more expedient to wait with patience for redress from a protestant successor, than to make the uncertain and hazardous experiment of an appeal to the passions and violence of the people.

Before we close the present chapter it will be proper to pass in review the principal occurrences in the kingdoms of Scotland and Ireland. 1. In Scotland a violent dissension had broken out between the two chief officers of government, the duke of Queensberry and the earl of Perth, of whom the first was lord treasurer, the second

* Barillon, 12 Dec., 2 13, 20 Janv. James, n. 100-102. Dodd, iii. 419. Clarendon Corresp. ii. 62, 90, 91-116. Evelyn, iii. 221. Ellis's Corresp. i. 212, 223-228. The new commissioners of the treasury are thus described by Barillon. "My lord Belassis est un homme de qualité qui a beaucoup souffert pour le roi d'A., et pour la religion catholique. Myl. Godolphin a déjà dirigé les finances, et y est estimé fort habile. Myl. Douvres a été attaché à S. M. B. depuis son enfance, et mérite bien cet emploi: il est riche et économe. Le chev. Ernley est un ancien officier des finances, qui en sait la routine; et le chev. Fox est immensément riche, et donne du crédit aux autres commissaires." Barillon, 13 Janv.

chancellor and a recent proselyte to the catholic worship. 1686.
 Both appealed to the justice of the sovereign, who refused Feb.
 to decide between them, but gladly seized the opportunity of appointing for his representative at the approaching session of parliament the earl of Murray, a man unconnected with either of the parties, and possessing the entire confidence of the king. This appointment led to other arrangements. The treasury was put 26.
 in commission, by which the duke became only the third person at the board; the government of the castle of Edinburgh was, with his apparent consent, transferred from him to the duke of Gordon; and all that the waning influence of Rochester could effect in favour of Queensberry, whose son Drumlanerig had married lady Rochester's niece, was to make him president of the council with a salary of 1000*l.* per annum. The real object of these changes was to facilitate in the Scottish parliament the repeal of the test act, as an example for the imitation of the English parliament. The opposition of Queensberry, which the king had anticipated, was after his loss of office a matter of little consequence; the duke of Hamilton had promised his co-operation and that of his numerous dependents; and Mackenzie, lately created viscount Tarbet, pretended to show, from the roll of the members, that there existed a large majority at the command of the court. But his assertion was disputed, and the measure itself was strongly opposed Mar.
 by the two archbishops; and, after several consultations 23.
 it was resolved that permission to exercise their respective Apr.
 forms of worship should be granted to the catholics 10.
 and the covenanters, but that the repeal or continuation of the test should be left to the discretion of parliament*.

The session opened with a letter from the king, in 29.
 which, having given due praise to the loyalty of the Scots, he stated his own attention to their interests, and

* Barillon, 11 Mars; 22, 29 Avril. Ellys, Corresp. 46. 50 53 56 69. 72 96. 112.

his wish to extend their commerce and add to their prosperity. He had instructed his commissioner to establish, with their concurrence, certain regulations for the opening of a free trade with England, and had sent down an act of amnesty to be passed in parliament, pardoning all rebellions and offences against the crown. In return he asked nothing for himself; the only boon which he expected was some indulgence for his Roman catholic subjects, that they might enjoy, in common with others, the protection of the laws, without lying under obligations incompatible with their religious creed. The commissioner spoke in a similar strain: but, both in his speech and in the royal letter, all mention of the exact measure of relief was cautiously avoided *.

The number of the catholics in Scotland was so considerable, that no danger could be feared from *them* in consequence of the toleration of their religion. But that jealousy of the king's designs, which prevailed in England, had penetrated into the neighbouring kingdom; and the protestant leaders in London, the Scottish refugees in Holland, and even the prince of Orange, through the secret agency of the pensionary Fagel, made every effort to animate the Scots to resistance. The persuasion that protestantism was in danger rapidly diffused itself through the nation. The more religious could not be convinced that it was lawful to connive at the exercise of a religion which they had been taught to believe idolatrous; and men, who for years had felt no sense of religion at all, were suddenly inspired with a holy impulse to put down the errors of popery together with the hopes of the papists†. From the support which he had always given to the episcopal church of Scotland, James conceived himself entitled to its gratitude and services; but of the bishops, with the excep-

* James ii. 64—67. Wodrow, ii 530

† "God," says Fountainhall, "raised up men to appear for the protestant interest, who were not very strict in any religion." State Trials, xi. 1175.

tion of Ross and Paterson, some were passive, others decidedly hostile; and of the clergy the greater part laboured to create by their discourse and their sermons the most decided opposition: while the presbyterians, their ancient adversaries, stood aloof, silent but not indifferent spectators of the contest. In the council, though an appearance of unanimity was preserved, a diversity of inclination existed—even Hamilton, notwithstanding his engagement, gave but a faint and qualified assent *—and in parliament, according to the ancient policy of several families, if the father supported the court, the son placed himself in the ranks of its opponents. The patrons of the measure began to fear the result. To reduce the number of their adversaries, they ordered several military officers to rejoin their regiments; and, to influence the minds of the timid, they removed other members from their situations under the government. But these proceedings added to the obstinacy of their opponents: and the predominant feeling in the house was sufficiently manifested by the guarded answer returned to the king's speech, that "they would May
 " take the case of the Roman catholics into their serious 6.
 " and dutiful consideration, and go as great lengths as
 " their consciences would allow." the first time, it was observed, that a Scottish parliament had talked of conscience since the restoration †.

At length the lords of the articles laid the draught of 27.
 an act before the house. It provoked a long and animated debate, in which several of the speakers displayed the bitterness of their zeal in the most inflammatory language. "Our fathers," exclaimed a voice, "are reproached with having sold their king: let it not be our reproach that we have sold our God." while another sounded in their ears the imprecations against the w——

* "This excuse was made for duke Hamilton and the president's going, alongst, that, by staying in that party and giving them moderate counsels, they could do the protestant religion better service." Ibid. On the other hand, the king did not believe that Hamilton acted sincerely, and received from him the same sort of apology, qu'il n'a pas cru devoir hazarder son credit en s'opposant inutilement au torrent. Baildon, 27 Mai.

† Wodrow, ii. 591. App 158

of Babylon, from the book of Revelations*. The draught was returned to the lords of articles for amendment, and was reproduced in the following form: "That those of his majesty's subjects who are of the Romish religion are, and shall be, under the protection of his majesty's government and laws for their private and civil interests; and shall not, for the exercise of their religion in their private houses (all public worship being hereby excluded), incur the danger of sanguinary and other punishments contained in any acts of parliament made against the same." By this form the benefit was restricted to persons at that time professing, not who might afterwards profess, the catholic religion: whether it would have passed with such a restriction is uncertain: but the king was already June 10. offended, and the commissioner received the royal command to prorogue the parliament†.

This sudden resolution did not proceed from any change of sentiment. James persisted in his design, but condemned himself of folly in having asked as a favour what he could have granted by his own authority. Sept. 9. After an interval of a few months he despatched a succession of letters to the council, ordering them to extend 14. the protection of government to his catholic as well as 16. his protestant subjects, authorising the exercise of the Nov. 11. catholic worship in private houses, and enjoining that 18. certain individuals by name should be admitted to offices in the state, as well as the conforming clergy in general to livings in the church, without the obligation of taking the test‡.

After this preparatory step he ventured on the execution of the great measure which he meditated. By two successive proclamations he declared his resolution that, as he would not force the conscience of any man himself, so neither he would not allow any man to force the consciences of others; his inten-

* Barillon, 1 Juillet. Wodrow, in. App. 161, "that they shou'd eat her flesh, and burn her with fire" Rev. xii 16

† Wodrow, in. 594 App. 160 Fountainhall, in State Trials, vi. 1170—1177.

‡ Fountainhall, 1177

tion of preserving inviolate to the bishops and clergy 1687 of the established church of Scotland their churches, ^{Feb.} rights, and property, and to laymen the possession of all ^{12.} church and abbey lands which had been secularized at ^{and} the reformation; his grant of full and free toleration to ^{July} presbyterians, quakers, and catholics, so that they might ^{5.} exercise their respective worships in houses and chapels, but not in field-conventicles, for which there could be no longer any pretext; his suspension of the cruel and sanguinary statutes against catholics, which had been made, during the minority and without the consent of his grandfather, by men in rebellion against queen Mary, their lawful sovereign, and which were in their provisions so abhorrent from the principles of humanity that for years they had not been carried into execution; and his design of employing men in his service without respect of their religion, and in proportion to their merits and qualifications. That by this measure the king took upon himself to suspend, for a time at least, the execution of numerous laws, cannot be denied: but that he might legally do it seems to follow from the unlimited authority in ecclesiastical matters which the Scottish legislature had previously conferred on the sovereign*.

By the clergy of the episcopal church in Scotland this declaration was viewed with feelings of abhorrence. It licensed in their opinion the existence of schism, and blasphemy, and idolatry. Nor did the presbyterians themselves, who would reap the benefit equally with the catholics, unite in approving it. The more rigorous deemed it a sin to have any communication with James Stuart, "an apostate, bigoted, excommunicated papist, "under the malediction of the Mediator, yea, heir to the "imprecation of his grand'father." They maintained

* State Tracts, ii 235 Fountainhall, 1179 1181. At the same time he granted separate sums of 200*l* a-year for the support of the chapel royal, of the mission in the Highlands, of the secular missionaries, the Jesuit missionaries, and of the Scotch colleges at Douai, Paris and Rome Macintosh, 112 May 19, 1687, an additional sum of 120*l*. was given to the college at Paris.

that he could not exercise regal authority, because he had not taken the oath required by law; and that the establishment of toleration was not within the power of the civil magistrate, because toleration was "inconsistent with the law of God, its object to set up tyranny, its tendency to unite the hearts of protestants with papists, as if the latter were neighbours, and by taking in bishops and quakers as well as papists, to legalize heresy and blasphemy no less than idolatry." But by the majority of the presbyterian ministers the boon was accepted with cheerfulness. It was no concern of theirs to inquire by what authority, or for what object, it had been granted. To preach the gospel was their duty: hitherto they had been restrained by the strong hand of power: it would be extraordinary, indeed, if they were now to restrain themselves, when the obstacle was removed. Under this impression they met in Edinburgh, July 21. and subscribed an address to the king, expressive of their loyalty to his person, their gratitude for the indulgence, and their resolution to merit by their conduct the continuation of his favour*.

2. In Ireland the same causes of dissension, which had so long agitated that kingdom, were still in constant operation,—diversity of religion, and opposition of interests. Of the two the latter proved the more dangerous and irritating evil†. Where the Catholics formed the great majority of the population it was seldom safe, frequently impracticable, to execute the intolerant laws which inflicted penalties on the professors, death on the ministers, of their religion: but the opposition between the English and Irish interests, as they were called, was continually kept alive by the daily fears of one party, and the protracted sufferings of the other. The English interest, that is, the planters and adventurers from England, who had obtained the lands of the natives during a

* Wodrow, ii. 624. App. 187. 192. 194, 195. Fountainhall, State Trials, x. 745, xi. 1179.

† "The contest here is not about religion, but between English and Irish, and that is the truth." Clarendon to Rochester, i. 559.

period of rebellion and anarchy, trembled for their security, and lived in perpetual fear of a reaction : and the Irish interest, the men of native descent, among whom numbers had been reduced to poverty for the enrichment of strangers, looked forward to the time when the sufferers might recover the possessions of their fathers by the exclusion of these foreign intruders. The two parties regarded each other as sworn enemies ; they attributed to one another the most barbarous counsels ; they suffered their passions to be blown into a flame by the most improbable and unfounded rumours ; and they watched each other like two hostile armies, anxiously looking for the first favourable opportunity of surprise and victory. The duty of maintaining tranquillity between them had for some years been painfully but successfully exercised by the vigilance and firmness of the duke of Ormond, the lord-lieutenant : nor was it till the last days of his reign, when he had gained the ascendancy over his opponents in England, that Charles took into serious consideration the state of things in the sister island. Here, with the aid of the church and its doctrine of passive obedience, he had put down the men whom he considered enemies of the throne : but in Ireland he saw, or thought he saw, that almost all who exercised the civil or the military authority were republicans by principle, because they derived their wealth and importance from the conquests and regulations of the late commonwealth. It was resolved to remove them gradually from their situations, and to introduce into offices of trust and power natives of monarchical principles, and consequently in a great proportion catholics, who, as they would derive the benefit from the favour, would attach themselves through interest to the person, of the sovereign. At the same time he determined to intrust this delicate task to another lord-lieutenant, whether it was suspected that Ormond would disapprove of the plan, or that an honourable retreat was required for Rochester, to shelter him from the unceas-

ing attacks of his rivals in the ministry. The duke received notice that he would be recalled at the expiration of six months, and a new patent was made out for Rochester as his successor: but the death of Charles disturbed this arrangement; Rochester was raised to the office of lord treasurer in England, and on the departure of Ormond the reins of government fell into the hands of the archbishop of Armagh and lord Granard, with the title of lords justices*. James, however, did not lose sight of the new system, which had been settled with his concurrence during the reign of his brother. After the suppression of Monmouth's rebellion, he ordered the militia to be disbanded and disarmed in Ireland as well as in England; an order which in the former kingdom created considerable alarm. There the militia consisted principally of the English planters, who alone had been allowed by law to carry arms, and who, when these were taken from them, considered themselves without defence against the enmity of the natives. Reports of intended massacres were immediately circulated, and numbers, under the impulse of terror, disposed of their property and quitted the island. But it soon appeared that the alarm was groundless, and that the regular army, amounting to eight thousand men, was able to preserve the public tranquillity.

Sunderland had been pointed out to James as a fit person to fill the office of chief governor of Ireland. But that wily statesman had no wish to be exiled from court, and to leave his competitor in the undisputed possession of power. His intrigues were successful: he even contrived to diminish the influence of Rochester in the cabinet, by procuring the appointment of Clarendon, Rochester's brother, to the office which he himself had declined†. To Clarendon the king explained his inten-

* *Clar. Corresp.* i. 96, 97, 98, 100, 104, 108, 112, 158.

† *Ibid.* i. 158. In the "secret councils" it is said that "thousands" fled to England and five hundred to the plantations (p. 56). This amount is much overrated. *Bonrepaus*

‡ *Barillon*, 13 Sep. 1685.

tion with respect to the government of Ireland. 1. It was always to be borne in mind that Ireland was a conquered country, and that of course the English ascendancy and the act of settlement must be maintained. At the same time it would be for the lord-lieutenant to devise some means of rewarding several of the native Irish, who had rendered important services to the crown, and had nevertheless been deprived of their patrimony. 2. The king was a catholic, most of the natives were catholics: it was his will that they should enjoy the free exercise of their worship, that civil disqualifications for religious opinions should cease, and that in Ireland catholics should be admitted to offices in the state, and to the freedom of corporations, equally with his protestant subjects. 3. It should be remembered that in the army were to be found many individuals of dangerous principles, whom it would be necessary to remove: and for that purpose he should reserve to himself, as his brother had done in the patent to lord Rochester, the power of granting military commissions*.

With these instructions Clarendon took possession of 1686 his government. In a short time three catholic lawyers^{Jan. 9.} were raised to the bench; several catholics were admitted into the privy council; others, as had been the custom before the rebellion, filled the offices of sheriffs and magistrates; and out of the rents of two vacant bishoprics the sum of 2190*l.* was set aside to be distributed annually among the twelve catholic prelates†. On all these^{April 10.} points Clarendon, though he deeply condemned, faithfully executed, the orders of the sovereign: but the reform of the standing army was intrusted to a more confidential agent, Richard Talbot, with whom the reader is already acquainted by the title of the earl of Tyrconnel. He was descended from one of the first English settlers in Ireland, had entered at an early age into the service of James, and had merited by his fidelity

* *Clar. Corresp.* i. 339. 461, ii. 25.

† *Ibid.* i. 576. 247.

to his master to be selected by Oates for one of his victims. By a timely flight to the continent he escaped from the fangs of the informer; and on his return was rewarded by the king with rank and office. Tyrconnel was brave and generous, and devoted to the person of his benefactor; but rash, impetuous, and confident. To spare the feelings of the lord-lieutenant, June
5. James compelled him to receive his commission of lieutenant-general from Clarendon: but he executed his orders with a vigour, perhaps violence, which did not earn the approbation, though it subdued the timidity, of the chief governor. Every officer suspected, whether justly or unjustly mattered not, of cherishing revolutionary principles, was cashiered; and, under pretence of old age or deficient stature, every fourth man among the privates was discharged*. Of the first class many accepted the commissions offered them by the prince of Orange in the British regiments serving in Holland, and afterwards gratified their revenge by accompanying him in his subsequent expedition into England. The others carried their complaints into every part of Ireland: their discharge was attributed to a design of raising an army of catholics: the old alarm of a massacre was revived, and several families emigrated to England. But the king, and the lord lieutenant by his order, declared that the act of settlement should be religiously observed, and the panic in a short time subsided†.

Having reformed the army, Tyrconnel repaired to court, to urge upon the king the expediency of repealing the act of settlement and of removing the lord-lieutenant. In the first he failed. That to many innocent families the act of settlement had been an act of oppression and injustice, was agreed: but the probable consequences of a repeal were so alarming, that few of the

* Ibid. i. 342, 435. In the old army the catholics amounted to two thousand. The recruits were two thousand three hundred, of whom three hundred only were protestants. Ibid. 502, 514, 534, 575.

† Ibid. 380, 417, 464.

council dared to sanction it with their approbation *. In his second object he was more successful, though at first he met with strong opposition from the queen, at the request of her friend lady Rochester. Clarendon could no longer shut his eyes to the lot which awaited him: from his official correspondence with Sunderland, he foresaw that he must expect nothing but hostility from the secretary whom he suspected of concealing his despatches from the knowledge of the sovereign; and it was plain that the intriguers who sought the fall of his brother would involve him in the same disgrace. At length the treasurer's staff was taken from Rochester; and Clarendon at the same time received notice of his recall. But who was to be his successor? Tyrconnel, ^{1687.} when his name was previously mentioned, had, with ^{Jan.} affected moderation, replied, that the infirm state of his health would not permit him to accept the office for more than a very limited period. But most of the catholic counsellors had no wish that he should be invested with it at all. They objected his violence and presumption: the queen aided them with her influence, and the earl of Powis was put forward as a competitor. The ambition of Tyrconnel now disclosed itself. He called upon Sunderland and Petre to fulfil their former promises in his favour; and after a long contest, in which the expedients suggested by one party were uniformly rejected by the other, he succeeded in obtaining the object of his wishes, not, however, in the capacity of lord lieutenant, but with the inferior title of lord deputy. Powis, after ^{Mar.} the refusal of several other offices, was content to accept ^{10.} the higher rank of marquess; and Clarendon, having ¹¹ resigned the privy seal to lord Arundell, received from the king a pension of 2000*l.* per annum †.

* The day after the question had been debated in council, Tyrconnel obtained permission to discuss it with Sunderland alone in the king's presence. At the conclusion Sunderland professed himself a convert to the opinion of Tyrconnel. D'Adda, 15 Nov. 1686. This was probably a *faux* concerted between the two.

† D'Adda, *ibid.* *Clar. Corresp.* ii 10. 26 68 134. Barillon, Jan 27 Feb. 13. 20, *Mais* 20. 24, N. S.

It had been given in charge to Tyreconnel to raise the Irish to a decided superiority over the English "interest," to the end that Ireland might offer a secure asylum to James and his friends, if by any subsequent revolution the king should be driven from the English throne: but the lord deputy had a further and more national object in view, to render his native country independent of England, if James should die without male issue and the prince and princess of Orange should inherit the crown. For this purpose he employed the agency of Bourepaus in England, and of Seignelay in France, to acquaint Louis XIV. with his intention, and to solicit his powerful aid. The French monarch, who looked on the prince of Orange as the most formidable of his enemies, received the overture with pleasure, and gave to Tyreconnel strong assurances of support, and it was mutually agreed that the project and all the subsequent proceedings should be carefully withheld, not only from the knowledge of Sunderland, to whom it was said that Tyreconnel was bound to pay the yearly sum of £600*l.* out of his emoluments, but also from that of Baniun, whose intimacy with Sunderland exposed him to the suspicion of betraying every secret to that minister*.

Aug.
25.

Sept.
29.

In the prosecution of these views Tyreconnel turned his attention to the courts of law and the different corporations. On his arrival he found three catholics, in a short time he left but three protestants, on the bench; and in imitation of the proceedings in England, he obtained by promises, or intimidation, or writs of *quo warranto*, possession of most of the charters formerly granted to the cities and boroughs, and issued in their place others, which secured the nomination of members of parliament in favour of the court. Conceiving him-

* For this interesting fact we are indebted to the industry of Mazure, who discovered it in the dispatches of Bourepaus. Mazure, ii. 187. See note (C).

self sufficiently powerful to bear down all opposition, he solicited of the king licence to hold a parliament, in which, under the pretext of passing a supplementary act for the relief of the Irish claimants under the act of settlement, he might restore to the natives most of the property, of which they had been deprived during the sway of the commonwealth. Two of the judges, Nugent and Rice, arrived in England to explain the project to James, who considered it as amounting in substance to a repeal of the act, and likely to lead, in its consequences, to the dismemberment of Ireland from the English crown*. Not only did he refuse his assent, but seemed to lend a favourable ear to those who advised the removal of the lord deputy. Sunderland in his apology (but the reader will recollect that it was written after the revolution and to mitigate the odium which he had incurred), claims the merit of having caused the failure of this project, and moreover of having rejected (what he was never known to have done on any other occasion) a bribe of 40,000*l.* perhaps 50,000*l.* offered to him by Tyrconnel. If we may believe one who was in the secret, both these assertions are equally false†. The public gave the whole credit to the opposition of the lords Powis and Belaysie, the latter of whom was reported to have said that the lord deputy was fool and madman enough to run ten kingdoms‡. This was the last transaction of importance,

* When this was proposed in the preceding year by Tyrconnel, Baillon writes, "Le renversement de cet établissement fut en faveur des rebelles et des officiers de Cromwell est regardé ici comme et qu'il y a de plus important, et s'il peut être exécuté sans opposition, ce sera une entière séparation de l'Irlande d'avec l'Angleterre, c'est le sentiment général des Anglais." Baillon, 16 Oct 1687. The pretext for it arose from this circumstance, that many of the Irish, who by the act of settlement ought to have been restored to their estates as soon as the existing occupants could be repossessed, had never been restored in fact, because the fund for repurchases was soon exhausted. *Clar. Corresp.* i. 360.

† Sheridan, the secretary of Tyrconnel, in the Stuart Papers.

‡ Secret Consult., 119. This tract, which was written by a warm partisan of king William at the time in which James was in possession of

with respect to the state of Ireland, at the time when the prince of Orange landed in England.

Ireland, though often cited, is, from its frequent contradiction of more authentic documents, entitled to very little credit. It may show what reports circulated in Ireland, but cannot be assumed as authority for facts. Even Ralph, who was obliged to have recourse to it for facts, deemed himself authorised to desert it, and give to those facts "such a turn, as seemed" to him best to tally with the characters of the persons spoken of, and "the general state of things" i. 975.

CHAPTER II.

JAMES II.

Closetings and Removals—Liberty of conscience—Contests with the two Universities—The Nuncio—Castlemaine—Petre—Causes of distrust between the King and the Prince—Conduct and secret preparations of the latter—Incredulity of James—Birth of a Prince of Wales—Trial of the Seven Bishops—Louis declares War against the Empire—Alarm of the king—He seeks to conciliate the States—And his own Subjects—Declaration of the Prince—He sails and is driven back—Preparations of the King—Disgrace of Sunderland—The Prince sails, and lands near Exeter—Desertion of Lord Cornbury—King goes to the Army and returns—More Desertions—The Queen and her Son escape to France—The King is intercepted at Faversham—Returns to London—Is ordered to quit by the Prince—Escapes from Rochester—Lands in France—A Convention called—Debates on the vacancy of the Throne—Declaration of Rights—William and Mary proclaimed King and Queen.

Two years had now elapsed since the accession of James. His popularity was already gone—the hopes excited by his first speech had been blighted by his subsequent conduct; and his assumption of the dispensing power, joined to the reckless and irritating manner in which he exercised it, had taught the friends of the established church to question their favourite doctrine of passive obedience. But the king, though aware of this change of public opinion, clung the more obstinately to his purpose, and it now became the first object of his policy to secure a majority against the next session of parliament. To effect this in the house of lords, it had been suggested to him, that he might confer the honours of the peerage on several new families, or might call to the house the eldest sons of peers whose views were in conformity with his own *. But, unwilling to adopt either

* See Sunderland's conversation with the Nuncio, in the correspondence of d'Aлда, Mackintosh, 634. There were about 200 placemen and pensioners in the house of commons. Ibid.

expedient without an absolute necessity, and trusting that the fate of Rochester—of one to whom he had been so constant and so munificent a friend—would teach others what they might expect from the royal displeasure, he resolved to exact from every public functionary the promise of his vote as the condition of his remaining in office. With this view he had recourse to private conferences, which obtained the denomination of “closetings.” Of the men exposed to that ordeal there were many, who professed a readiness to submit their own judgment to the superior wisdom of the sovereign: but there were also many, who either boldly avowed their persuasion, that the test acts were passed for the security of the church, and therefore, if necessary under a protestant, must be still more necessary under a catholic monarch: or sufficiently intimated their opinion, while with more courtly language they begged to be excused from answering, because they could form no judgment till the question had been debated in parliament. James was accustomed to reply, that he sought nothing but freedom of conscience, the natural right of man, a right so evident, that he would not insult their judgment by undertaking to prove it. But he would deny that the test acts were enacted for the preservation of the church—that was only the pretext—the real motive of those with whom they originated was to take from the throne the services of a body of men strongly devoted to its interests: but, even were it otherwise, the catholics formed, and for a long course of years must form, so small a minority among the people, that it was ridiculous to apprehend from them any danger to the established church. But what, he would ask, had been the consequence of penal laws on account of religion? Instead of putting down the non-conformists, they had engendered jealousies, and heart-burnings, and persecution. Repeal them, and dissension would cease: men of different sects would look on each other as brothers, and all would unite in furthering the prosperity of the king-

dom. In conclusion, he observed that he would never force any person's conscience; men must act as they judged most fitting: but they could not expect him to keep in employment those who would use the influence of office to oppose the measures which he deemed it his duty to pursue*.

This menace was put in execution: but in many instances it failed of success, and men seemed more desirous to obtain the honour of deprivation than to preserve the emoluments of office. The lords Derby, Aug. Thanet, Shrewsbury, Lutley, and Newport, vice-admiral 15. Herbert &c. and several others, cheerfully resigned their respective employments and commands: and the royal advisers, among whom from this period we are to number Penn the celebrated speaker, seized the opportunity to wean the king from his notions in favour of the established church, and to turn his attention to the dissenters. From the churchmen, with all their pretensions to loyalty, it was now plain that he could expect no aid. They had already displayed, some an open, others a masked, hostility. But let him divest himself of his prejudices against other religionists; let him win their services by employing his dispensing power in their favour, let him establish by proclamation in England, as he had already done in Scotland, universal liberty of conscience. Then non-conformists of every class would be eager to display their gratitude: and interest, if not affection, would bind them to support the royal prerogative. He might then call a new parliament: the friends of religious liberty would rally round the throne; and the repeal of every penal statute would be accomplished without difficulty.

* This account of the reasoning of the king, and of the answers of the closeted, is taken from Bailton 17 Mars, 1687. See also the Ellis Correspondence i. 255 259 265 302 333.

† The king was most surprised and indignant at the refusal of Herbert, who was indebted to him for all that he possessed. Milord Sunderland mi ha parlato con grand indignazione del fatto del detto Sebert (Herbert) suggerendo la sua ingratitude ed indignità. D'Adda, 21 Mar.

Mar. Under this impression James had addressed a short
 18. speech to the privy council. During the four last reigns, he said, law upon law had been passed to enforce uniformity of doctrine. But experience had shown the uselessness of such enactments. Under them dissent had increased : they had led in his father's time to the destruction of the government in church and state ; they had perpetuated to the present hour division in the nation, and all those evils which necessarily grow out of civil dissension. It was time to put an end to such a state of things. Conscience could not be forced ; persecution was incompatible with the doctrines of christianity ; and it was therefore his resolve to grant religious liberty to all his subjects. In a few days the royal
 April proclamation appeared. Though calculated to produce
 4 the same effect as the previous declaration in Scotland, it was expressed in very different language. As the English law did not recognise absolute power in the sovereign, nor give to the head of the church unlimited authority in ecclesiastical matters, he did not pretend to "cass, disannul, and remove," as he had done in his other kingdom, but was content "with suspending the execution of all penal laws for religious offences, and with forbidding the imposition of religious oaths or tests as qualifications for office ;" to which he subjoined an intimation, that he had no doubt of the concurrence of both houses of parliament in these two measures at their next meeting*.

By the different bodies of non-conformists the boon was received with feelings of gratitude and exultation. They paused not to consider its legality, or to enquire whether the prince, who thus suspended at his pleasure the execution of one description of laws, might not on subsequent occasions with equal right set aside the execution of others. In the delirium of their joy they crowded round the throne to express their gratitude for

the benefit of religious liberty. The example was shown April by the anabaptists; the quakers followed; then the in- 18.
dependents; next came the presbyterians; and after May
them the catholics, who were careful to attest their satis- 2.
faction that the benefit was extended to all christian sects 28.
without exception, and their pride that it had proceeded
from a prince of their own communion. James received
these addresses with self-gratulation. He boasted that
he had made his subjects an united people, that he had
changed those, whom persecution had before rendered
the most bitter enemies, into firm and interested sup-
porters, of the throne*.

But in all this there was much of delusion. If he had
gained on one hand, he had lost on the other. The de-
claration confirmed the existing estrangement of the
churchmen, who placed little reliance on his promise to
preserve all the rights of the bishops and clergy, when
they suspected him of a design to raise his own church
to a superiority over theirs. There was another circum-
stance which added to their alarm, a rapid and unex-
pected defection from the pale of the establishment: for
numbers, who, to avoid the penalties, had hitherto con-
formed to the legal form of worship, withdrew, as soon as
it could be done with impunity, to attend those religious
meetings which accorded better with their own senti-
ments†. In such circumstances they naturally sought
to make allies of those whom they had formerly perse-
cuted, and to infuse their own jealousies into other pro-

* Kennet, 463—465. Echard, 1084. Ellis Correspondence, 260. 269. 274. 285. Gazette, 2234 2238 2241 2243, 2244 Barillon, 28 April; 12 May; 2 Jun. The quakers, that they might, without abandoning their principles, conform to the etiquette of the court, left their hats in Sunderland's office, so that they might of necessity be uncovered when they were introduced to the king. Barillon, 12 May. There were also addresses from the bishops and clergy of Chester, Durham, Lincoln, Lichfield and Coventry, and St. David's, and the chapter of the collegiate church of Rippon, but chiefly to thank the king for his promise of preserving the rights of the clergy.

† See Evelyn's Diary, Ap 10. "There was a wonderful concourse of "people at the dissenters' meeting-house in this parish, and the parish "church (Deptford) left exceeding thin. What this will end in, God Al- "mighty knows!" in. 228.

testant societies. They maintained that James had no right to the merit which he claimed; that he was at heart an enemy to liberty of conscience; that his real object was to blind the eyes of protestants, till he had placed himself in a condition to oppress both churchmen and dissenters. They had before them the example of the king of France and the duke of Savoy. James would act like those princes *. In a few years the asserter of religious freedom would throw off the mask, and confine liberty of worship to the professors of his own creed. He had a standing army ready to draw the sword at his nod: he claimed a right to suspend the execution of the laws: where then could be the security for protestants, whether they belonged or did not belong to the establishment. These suggestions made impression. the feelings of gratitude were checked by doubts and apprehensions: and James himself, whether it was through the precipitancy of his zeal, or the credulity with which he listened to the counsels of others, contrived by his own conduct to confirm the charges and predictions of his enemies †.

1 It was obviously the interest of a prince in his circumstances to abstain from every act which might be interpreted as an encroachment on the rights of the established church: and yet he seems to have chosen this very time to indulge in freaks of arbitrary power, which proved how little he cared for the humanities of the clerical bodies, and how much he despised their enmity and resentment. Some one had suggested to him that it would be highly beneficial if a few catholics were admitted to reside in the universities on the same footing with protestants: the experiment had been tried

* It has been said that he betrayed such intention when "he declared his approbation of the cruelties of Louis XIV. against his protestant subjects" Mackintosh, 131. But in the passage brought in proof of this assertion there is not even the shadow of any such approbation. "J'espère," said James to Barillon, "que le Roi votre maître m'aidera, et que nous tirons de concert de grandes choses pour la religion" Baril. 12 Mar. 1687.

† Echard, 1085. Barillon, 17 Avril, 12 Mai, 2 Juin, &c. Burnet, iii. 153.

in Germany with the most happy result : and those antipathies, which usually divide religious sects, had been insensibly softened down by the intercourse of social life. This was the avowed, but there was another more secret motive, the hope of inducing men to profess themselves catholics, when they saw that the honours of the university were equally accessible to the members of both communions. James sent a mandatory letter to Dr. Peachell, Feb. the vice-chancellor of the university of Cambridge, to 7. admit to the degree of master of arts, without exacting from him the usual oaths, one Alban Francis, a Benedictine monk, and catholic missionary in that neighbourhood. It was natural that the vice-chancellor should demur : he ascertained, though in an irregular manner, the sense of the senate, and a message was taken to 21. Francis by the esquire-headles that his admission would 21. be granted, subject to the usual qualifications. A second mandate was sent similar to the first and after a long Mar delay a petition was returned to the king, representing 12. the reasons on which the senate had proceeded. That degrees had been conferred without any oaths on the Mahomedan secretary to the ambassador of Morocco, on foreign gentlemen in the suite of foreign envoys, and on natives of the rank of noblemen in the university, could not be denied : but it was contended that the case of Francis differed from all these : it was not with him a merely honorary distinction : his admission would open a gap through which men of all religious persuasions might find their way into the senate, and then vote on matters highly interesting not only to that body, but to the established church. It was now no longer a question whether Francis should be admitted, but whether the royal authority should be despised with impunity, and the unfortunate vice-chancellor was summoned before the ecclesiastical commission to answer for his disobedience. He pleaded in his favour the several statutes, April and his duty of enforcing those statutes : the crown lawyers replied, that the university had not exacted the 21.

oaths in the case of Dr. Lightfoot, that there was no instance of the refusal to obey a mandatory letter from the king, and that it was not to be tolerated that a literary body should presume to deprive the crown of the dispensing power, which had been awarded to it by the decision of the judges. In conclusion, Peachell was deprived of his office, and suspended during pleasure from the mastership of Magdalen college; and this judgment was followed by a sort of compromise, in consequence of which the university yielded so far as to elect a new vice-chancellor, and the king on his part suffered the pretensions of Francis to fall into oblivion*.

May 7. This dispute was yet pending, when James found himself engaged in a still more irritating contest with the university of Oxford. Dr. Clarke, the president of Magdalen college, one of the richest foundations in Europe, died; and letters mandatory were despatched April 4. to the fellows, recommending Mr. Anthony Farmer to their choice for the vacant office. Farmer had not the qualifications required by the statutes: though an inmate, he was not a fellow either of that college or of New college in the same university: neither was he distinguished by the extent of his learning, or the regularity of his morals: his sole title to the royal favour sprung from the adroitness with which he had insinuated himself into the good opinion of some among the king's advisers, as a man of loyal principles, and well disposed to the catholic interest. In Oxford it was immediately rumoured that

* State Trials, xi 1315—1340 James, ii 125—127 Barillon, 19 Mai Hist. of Eccl. Commission, 25. Preparatory to the appearance of Peachell before the commissioners, was published from the king's press a dispensation granted to the universities by queen Elizabeth, permitting them, in opposition to the statute, to pray in Latin, "*statuto illo prohibito de usu publicorum precum in contrarium non obstante*" Then followed certain queries. If the queen had the power to dispense with the law in a matter of such importance as the public worship in the university, had not the king power to dispense in so trifling a matter as the taking an oath by a single master of arts? If the university had no other justification of their conduct in the daily violation of the statute but the queen's dispensation, how could they justify themselves in their resistance to the king's dispensation? See it in Ralph, 959, note.

he had conformed, or promised to conform, to the church of Rome: the fellows were exhorted not to place a papist at their head; and were told that to submit to the mandate would be to betray the rights of the college and the interests of religion. At length they subscribed a petition stating the ineligibility of Farmer, and praying that they might either proceed to a free election, or receive a different recommendation from the king. Had this paper been delivered to James, it might perhaps have spared him the mortification which followed; but Sunderland, having kept it four days, returned for answer that the royal will must be obeyed*. The fellows met for the purpose of election, and Mr. Hough, one of their number, obtaining the plurality of suffrages, was admitted president by the ordinary visitor, the bishop of Winchester. Both parties immediately appealed to the king. The fellows pleaded that their proceedings had been in strict accordance with the statutes and their oaths: the patrons of Farmer, that they had added insult to contumacy; they had not only disobeyed the mandate, but after having solicited the king to name another person, had, without waiting for that nomination, chosen a president themselves. By James the case was referred to the ecclesiastical commission, which after several hearings declared Hough's election void, because a mandate to choose one person implied a prohibition of choosing any other, but advised the king to desist from the nomination of Farmer on account of the doubts which had been thrown on his moral character.

A pause of six weeks ensued. Hough, in defiance of the judgment pronounced against him, continued to exercise the office of president, and James sought the most eligible means of conciliating the fellows without compromising his authority. At length he sent a mandate

* If Dr. Thomas Smith's account of the proceedings deserve credit, it is plain that the petition was not in the first place presented to the king, but given to Sunderland for presentation, and there is moreover reason to believe that the king knew nothing of the petition, till after Dr Hough's election. Marph papers, i. 274, and State Trials, xii. 54, 55. 69.

Aug. for a new election, recommending at the same time for
 11. their choice Dr. Parker, bishop of Oxford; but his imprudence had now evoked a spirit of resistance too fierce and obstinate to be laid by the terrors of the prerogative; and Parker himself was obnoxious as a prelate of courtly principles and suspected orthodoxy. The fellows replied that they could not obey; the office was not vacant: Dr. Hough stood in actual and legal possession. Thus the contest was renewed, and the members of a small literary society placed themselves in hostile array against the power of the sovereign. They depended on what they considered the righteousness of their cause, and were cheered by the assurance that they had with them the good wishes of the university and of the church of England. James, on the other hand, looked upon them as men who sought to invade his just rights, as apostates from the doctrine of passive obedience, which they had sanctioned by their celebrated decree, issued but four years before, and as the tools of his secret and designing enemies, whose object it was to breed an open division between him and the churchmen. Pride forbade him to yield: when, in his summer progress, he came to Oxford, he received the deputations from the other colleges with many gracious expressions: but at the sight of the contumacious fellows he was unable to control his anger; he addressed them with an asperity of language, and marks of indignation ill befitting a king; and when on their knees they offered him their petition, bade them begone, he would receive nothing from them till they had obeyed his mandate, and admitted the bishop for their president.

The fellows had borne unmoved the frowns of the sovereign; they had equally resisted the prudential arguments of Penn and of others calling themselves their
 Oct. friends; they were now summoned before the bishop of
 21. Chester, Wright, chief justice of the King's Bench, and Jenner, a baron of the Exchequer, members of the ecclesiastical commission, and extraordinary visitors of

the college. The first measure of these judges was to annul the election of Dr. Hough, who in return addressed ^{Oct} them in these words: "My lords, I do hereby protest ²¹ against all your proceedings, and against all that you have done or shall do, in prejudice of me and of my right, as illegal, unjust, and null; and therefore I appeal to my sovereign lord the king in his courts of justice." The spectators expressed their approbation by applause, but the court proceeded to install the bishop of Oxford by his proxy to whom they gave by force possession of the president's lodgings. With this advantage the king would gladly have been satisfied: for he had long wished to extricate himself from a quarrel, which he felt as a degradation, and in which his claim had been privately pronounced illegal by the chief justice Herbert*. But the intractable spirit of the fellows still revolted: though they had been obliged to make a qualified promise of ²¹ obedience "as far as was lawful and agreeable to the "statutes," they revoked their word the next day: a ²⁵ new form of submission was offered but refused, and five-^{Nov} and-twenty members were not only deprived by the ¹⁶ visitors, but declared incapable with Dr. Hough of hold-^{Dec} ing ecclesiastical preferment, or, if laymen, of being ad-¹⁰ mitted to holy orders. Thus, after a war of nine months, the king remained master of the field: his opponents were disseised of their freeholds: fourteen of the demes- who imitated their contumacy, shared their punishment; and the college, in virtue of successive letters mandatory, was re-peopled with new men, a motley colony taken from the professors of both religions. It was, however, a victory of which he had no reason to be proud; for it betrayed the hollowness of his pretensions to good faith and sincerity, and earned him the enmity of the great

* "I utterly denied that dispensation to be of any force at all, because "there was a particular right and interest vested in the members of that "college, as there is in the members of many other corporations, of choos- ing their own head." State Trials, vi. 1263

body of the clergy, and of all who were devoted to the interests of the church*.

At the very commencement of these contests with the universities, the moderate catholics at court attempted to oppose to the mischievous counsels of Petre and Sunderland the prudence and influence of Mansuete, the king's confessor, a Franciscan friar from Lorraine. But the struggle quickly ended in the total discomfiture of the assailants: their champion was sent back to his native country with the character of a good man, but unequal to so important an office: and his place was supplied at the recommendation of father Petre, by Warner, rector of the college at St. Omer†. This, however, was not the only mortification which awaited the moderate party. Hitherto they had prevailed (and their wishes, through the advice of the cardinals Howard and d'Estrées, had been approved by the court of Rome), that d'Adda should execute his commission of nuncio to the king without the public assumption of that character. But James was taught to believe that the incognito which d'Adda preserved reflected disgrace on himself, as if he were ashamed to acknowledge his correspondence with the head of his church, or had not the power to protect from insult the envoy of a sovereign prince unacceptable to the religious prejudices of his subjects.

1686. At the earnest solicitation of the king, Innocent gave
Feb. his consent: the nuncio, to add to his importance, was
12. consecrated archbishop of Amasia by the titular primate
May
1.

* James, ii. 119-124. Kennet, 475-481. Burnet, ii. 143-150, and notes. History of Ecclesiastical Commission, 30-52, and the collection of documents in State Trials, xii. 1. 112.

† To spare the feelings of Mansuete, he was told that objection had been made to him because he was a foreigner. "Mais la vérité est, que ce bon capucin n'est pas propre à cet emploi: ce sera un jésuite qui aura sa place, et le P. Petre est consulté sur le choix." See Bailillon 3 et 16 Mars, 3 Avril. Ellis, Cor. i. 68-155. Warner, the confessor of James, must not be confounded with sir John Warner of Panham, who became a jesuit in 1667. The former had been provincial of his order, and was rector of St. Omer's college, when he was called to the English court. He died at St. Germain's in 1692. Oliver, Collect. 200.

of Ireland in the chapel at Whitehall, and a day was fixed for his public reception at court in his official character. The duty of introducing him was assigned by James to the duke of Somerset, first lord of the bed-chamber. But that nobleman objected the penalty to which he should be exposed; and when the king offered him a pardon, replied that a pardon, promised before the offence was committed, would not be held valid in a court of law. "I would have you," said James, "fear me as well as the law." "I cannot fear you," was the answer of the duke, "as long as I commit no offence. I am secure in your majesty's justice." Two days were allowed him to consider: at the conclusion the young duke of Grafton conducted the nuncio to Windsor in the royal carriage, and presented him to the king and queen. Somerset lost his place and his regiment of the guards. Hitherto he had incurred ridicule by his habits of vanity and arrogance and was usually known by the appellation of the proud duke; but his spirited conduct on this occasion atoned for his past follies, and his disgrace invested him with honour in the estimation of the people*.

If the king hoped by the respect which he paid to the nuncio to conciliate the mind of the pontiff, it was not long before he was undeceived. At his prayer the purple had already been given to the queen's uncle, but no solicitation could prevail on the pope to dispense with the rules of the order, and raise father Petre to the episcopal dignity. Castlemaine's patience was exhausted. He complained in bitter terms that to him and the marshal d'Humières, the envoys of the two catholic kings of England and France, no countenance was shown at the apostolic see; and he bluntly declared, that unless he had reason to expect a change of measures, he would immediately quit the papal court. Innocent was content with this laconic reply—"Lei e padrone;" but he

* Barillon, 12 Mar; 14 Junl. Bonrepaus, 14 Junl. James, ii. 116-218. Lonsdale, 24 Ellis Correspondence, i. 272 312.

ordered the nuncio to demand satisfaction from the king
 1687. for the insult offered to him by the ambassador. James,
 June though he attributed the warmth of Castlemaine to
 26. exuberance of zeal, recalled him to England, and, in
 Sept. reward of his services, gave him a place in the council:
 25. but instead of intrusting his interests at Rome to the
 cardinal of Norfolk, committed them to the care of
 Rinaldo d'Este*, renewing at the same time his solici-
 tations in behalf of Petre, not indeed for the mitre, which
 had been refused, but for the higher dignity of cardinal,
 which had occasionally been conferred on members of
 the society. But Innocent was inexorable: and James
 hastened to fulfil of his own authority his intentions in
 favour of his friend. The moderate party had per-
 suaded themselves that the appointment of Petre as a
 privy counsellor had been cancelled in consequence of
 their representations: the fact was, that the king only
 waited to obtain the mitre or the hat for the jesuit, that
 he might appear with greater importance at the board.
 Wearied out with the reluctance or procrastination of
 the pontiff, he named Petre clerk of the closet: the next
 Sunday the new dignitary appeared in the chapel at
 Nov. Whitehall, not in the usual habit of his order, but in
 6. that of a secular priest; and a few days later he seated
 21. himself among the privy counsellors by command of the
 sovereign. It is difficult to describe the astonishment,
 the vexation, with which the intelligence of this appoint-
 ment was received by the great body of the people. The
 enemies of James secretly hailed it as an event most
 favourable to their wishes: by the catholics it was de-
 plored as a common calamity. To prevent a repetition
 of their remonstrances, the design had been concealed

* Ceux, qui y ont travaillé, ont eu pour motif de deceder le cardinal de Norfolk, que l'on croit n'avoir pas agi comme il devoit pour le P. Peters. Il y avoit une cabale de quelques catholiques, qui avoient eu dessein de faire venir ici le cardinal de Norfolk: mais le projet a été renversé. Ceux qui sont liés avec le P. Peters et le P. Warner, confesseur, ont détourné le voyage du cardinal de Norfolk comme inutile, et ne pouvant produire que (a division entre les catholiques qui ne sont pas déjà trop unis. Baillon, 3 Nov.

from their knowledge ; and now that the appointment had been publicly announced, it only remained for them to bewail the infatuation of the monarch, and to await in despair the revolution which he was preparing by his own precipitancy and imprudence*.

Sunderland had not yet lost sight of the treasurer's staff, the original object of his ambition. In May he had become a pretended convert to the church of Rome, having made his abjuration in the hands of father Petre†. The fact, for reasons of state, was kept secret : but it confirmed the confidence of the king in the attachment and fidelity of the proselyte. The introduction of Petre into the council had been preceded by that of sir Oct. Nicholas Butler, formerly an anabaptist, but now a pre- 17 tended convert of Petre's, and a dependant of Sunderland ; and it was soon evident that these three, Sunderland, Petre, and Butler, monopolized the direction of public affairs‡. About Christmas the attempt, which Dec.

* James (Memoirs), ii. 77. Burnet, iii. 158. Wellwood, 158-160. Bailton, 15-26 Mar., 23 Jan. 6 Oct. 17-21-27 Nov. Podes in 511-533. In the gazette announcing the appointment he is called "the honourable" and reverend father Edward Petre, clerk of the closet to his majesty" Gazette, 2294.

† "This worthy lord," says the princess Anne to her sister, (Mar. 13, 1689) does not go publicly to mass, but hears it privately at a priest's chamber, and "never lets any body be there but a servant of his." (Darymple, 299.) Lady Sunderland on the other hand affected extraordinary zeal for protestantism. "She is a constant churchwoman, so that to outward appearance one would take her for a saint." "She plays the hypocrite more than ever. For she goes to St. Martin's morning and afternoon, (because there are not people enough to see her at Whitehall chapel) "and is half an hour before other people come, and half an hour after every body is gone, at her private devotions. Sure there was never a couple so well matched as she and her good husband, for as she is "throughout in all her actions the greatest jade that ever was, so is he the "subtillest workingest villan that is on the face of the earth." Ibid. et 301.

‡ This is represented by Bailton as "une grande augmentation de credit pour Myl. Sunderland, de qui les deux autres sont en quelque façon dependants, et ne sont pas informés des affaires au point qu'il est." Bailton, 18 Dec. But Boncompagni, the other French envoy, entertained a very different notion. "Le roi connoit bien le caractère de M. Sunderland, qui est ambitieux et capable de tout sacrifier à son ambition ; et quoiqu'il n'ait pas une grande confiance en lui, il s'en sert, parcequ'il est plus dévoué qu'un autre, et qu'il s'abandonne absolument à suivre tous les sentimens de son maître pour l'établissement de la religion catholique. . . ce qui paroit au public de la faveur de M. Sunderland n'empêche point

had been so long in agitation, was made. Petre and Butler represented to James the necessity of appointing a lord high treasurer, and the fitness of the lord president for that office. But the king was inflexible: he replied in conformity with his first declaration, that he would never confer an employment of such extensive influence on any subject. Sunderland ventured to solicit the interference of the queen; but her answer was so decisive and discouraging, that he saw the prudence of desisting from a suit, which, if it were urged with pertinacity, would probably lead to his disgrace*.

While the king was occupied with these petty contests and intrigues, he did not lose sight of the great object of his ambition. To proclaim liberty of conscience was but a preparatory step: he saw that it required something more than a royal proclamation to give stability to the benefit. The dispensing power, on which its existence rested, afforded only a frail and precarious support, which circumstances might compel him to withdraw, and which at all events would fail at his decease; and, to procure the sanction of the legislature in its favour, as long as the present house of commons continued in being, appeared a hopeless and dangerous attempt. After much hesitation he dissolved the parliament, and determined to trust to his own endeavours, and the co-operation of the dissenters, to obtain at the next election the return of members better disposed to concur in the measure. With this view, (1.) he commenced a progress during the summer from London to Bath, and continued it from Bath to Chester†, visiting the most populous towns, in which he was received with acclamations, and calling around him the resident gentry, whom he sought to conciliate by affability, and

qu'il ne soit dans une grande dépendance du père Peter, qui seul a l'entière confiance du roi Il fera chasser M. Sunderland dès que l'envie lui en prendra, ne manquant point de prétexte pour cela." Bonapais, 4 Juin

* James (Memoirs), ii 131, 132 Lonsdale, 25

† At Chester Penn and Barclay preached in favour of the declaration, and some of the courtiers bathed at Holywell. Baillion, 16 20 Sept.

to convince by argument. He assured them that he cherished no hostility against the established church; and that, if he wished to abolish the test, it was because he considered it an unjust and barbarous enactment, which had failed of its principal object, his exclusion from the throne, and which he was therefore bound to prevent from inflicting on others the penalties that had been devised against himself. It could not be a necessary safeguard for the church, since the church had so long existed without it: nor would its repeal affect the constitution of the house of commons, since catholics would still remain, as they had been for a century before, excluded from that house: and certainly, as long as one branch of the legislature, the lords, consisted principally, and another, the commons, totally, of protestants, *he* must be an unreasonable man, who could entertain any fear for the safety of the protestant religion. James was of a sanguine disposition. As he had mistaken the partial acclamations of the dissenters for the voice of the whole population, so he mistook the respectful silence with which men listened to his reasoning for a sufficient proof of their assent. His ministers were more sagacious: they saw how deeply rooted was the public distrust of his measures, but were careful to conceal their apprehensions from the knowledge of their sovereign*.

(2.) At the same time the "regulators," a board established under the pretext of reforming the abuses in corporations, received orders to mould these bodies in conformity with the views of the court; and instructions were given to the lord-lieutenants of the several counties, 1. to make out lists of persons devoted to the king, and on that account fit to be appointed mayors and sheriffs, that the returning officers might be in the interest of the

* "Le roi croit que son voyage lui a servi à ramener les esprits et que les peuples ont été détrompés de beaucoup de faussetés" *Barillon*, 20. 29 Sept "Le roi d'Angleterre est fort gai, et croit que toutes ses affaires vont bien. Ses ministres ne le contredisent point dans ses pensées: mais je pénètre clairement que Myl. Sunderland n'est pas sans quelque trouble intérieur." *Bonrepaus*, 9 Oct

crown ; and 2. to assemble their deputies and the magistracy, and to put to each individual the three following questions :—If you are chosen to the next parliament, will you vote for the repeal of the test act and of the penal laws ? Will you give your aid to those candidates who engage to vote for that repeal ? Will you support the declaration for liberty of conscience by living peaceably and like good Christians with men of different religious principles ? The king's object could not be doubted ; and the gazette was careful to intimate, that continuance in office would be made to depend on the answers which should be returned. Many replied in the affirmative ; but most availed themselves of a printed form which was circulated through the country for their adoption : that they could not engage their votes on any particular question, till its merits had been debated in parliament : that they would support such candidates as possessed the necessary qualifications ; and that they sought to live in peace with all men, unless his majesty's interest and the government established by law required the contrary. Though from these replies James learned the unwelcome truth, that his favourite measure was displeasing to a great majority among the higher classes of his subjects : yet he could not prevail on himself to desist from his pursuit, and only postponed the calling of a parliament to some future and more favourable opportunity*.

Before we proceed to the fourth and last year of this inauspicious reign, it will be proper to call the attention of the reader to the numerous causes of irritation and estrangement, which previously existed between the king and his nephew and son-in-law, the prince of Orange. William's advocacy of the bill of exclusion, and his reception of Monmouth during the life of Charles, were offences not easily forgotten : and the reconciliation which he sought and obtained on the death of that

* Gazette, 223. Lonsdale, 15, 16 19. Reresby, 251. Dalrymple, 223. Kennet, 469, 4, 6. Bouquet, 4 Dec. Burnet, iii, 183.

monarch, was soon afterwards shaken by his strange and ambiguous conduct in relation to the expeditions under the earl of Argyle and the duke of Monmouth. From all the circumstances it is plain that, if at first he knew not of the design, it was because he preferred to be ignorant; and that, if his orders to prevent their departure were subsequently disregarded, it was because he did not mean them to be obeyed. James, however, deemed it prudent to dissemble. The plea of ignorance advanced by the prince, was accepted though not believed; and his offer of coming and fighting in person against the usurper was declined, under the pretence that his presence at the Hague was necessary to prevent the transmission of succour to the enemy. The victory of the king at Sedgemoor put an end to this uncertainty. William tendered his congratulations to his uncle; James returned a gracious and affectionate answer; and an active correspondence was established, in which these near relatives endeavoured to disguise their mistrust of each other under expressions of the warmest attachment*.

There existed two parties, who deemed it equally their interest to prevent any cordial union between the uncle and the nephew. The French king, aware of the inextinguishable hostility of William, ordered his ambassador d'Avaux to watch with care the conduct of the prince; and by that minister every circumstance, which admitted of an unfavourable interpretation, was communicated to Barillon in London, whose office it was to represent it to James under such colouring and with such comments, as he thought most likely to awaken suspicion in the royal breast. On the other hand, the British exiles in Holland, together with the discontented in England, while they inflamed the ambition of William with the prospect of the English crown, were careful to alarm his jealousy by attributing to the king

* James, *Memoirs*, in 26 Dalrymple, 123, 124 126. 131 Fox, *App.* 81 *Clar. Corresp.* 124, 125 127 130.

designs against the hereditary rights of his wife. To enumerate all the causes of dissension, discovered or created by these opposite advisers, would tire the patience of the reader: the principal may be arranged under the following heads. 1. Holland was become the common refuge of all, who during the last or present reign had fled from prosecution on account of political offences. There they assembled to talk over their real or supposed wrongs, arranged plans for the annoyance of the government in England, and formed connexions with men of similar sentiments in their native country. That James should demand their removal, was natural: he sought not, he said, to deprive them of an asylum, but to cut off their facility of communication with England, by compelling them to reside at a distance from the sea-coast. He complained to the States; but his complaints, through the influence of the prince, were disregarded: he remonstrated in stronger terms, and was answered that the delay arose from the number of authorities to be consulted, and the slow form of proceedings in the States: at length he had recourse to intimidation. It was observed that he suddenly turned his attention from the army to the navy: that a great number of ships had been put in commission, and that the workmen were employed night and day in the docks and
 1686. arsenals. When Van Citters, the Dutch ambassador,
 July inquired the object of this armament, James merely re-
 23. plied that he had no intention of disturbing the peace of Europe: but one of the ministers gave the envoy to understand, that, if the States sought to avoid a war, it would be necessary to comply with the king's demand*. This hint had its effect; and the exiles were ordered by proclamation to withdraw from the maritime districts of the republic. The order, however, remained a dead let-

* Je lui dis que ce qu'il me disoit ressembloit fort à une declaration de guerre. Sur quoi il répondit Je ne prononce pas le mot de guerre, mais c'est à vous à considérer ce que je veux dire. Lettre de M. Van Citters, 2 Août, 1686.

ter, excepting at the Hague; and the prince, careful not to offend men whose services he might afterwards require, though he abstained from open communication with them himself, occasionally met them in private, and kept up a correspondence with their chiefs through his favourite counsellors, Fagel, Bentinck, and Halweyn.

2. The maintenance by the States of six British regiments on the continent, revocable by the crown in the case of invasion or rebellion, was supposed to bring with it this advantage, that the king, on any sudden emergency, would have at his command a disciplined and native force, without the previous expense of their support in time of peace. During the attempt of Monmouth the experiment was partially made; when it appeared that the regiments brought to England were more disposed to fight in the cause of the usurper than of the legitimate sovereign. This furnished another source of irritation. James sought to reform the brigade by cashiering the officers of doubtful fidelity, and supplying their places with men of more loyal principles and connexions. But William, the commander-in-chief, was perfectly satisfied with the existing constitution of the regiments. He looked to them for aid in the event of his contending for the English crown: and therefore made it his object to keep them under the guidance of officers, whose interests were identified with his own. To the demands of the king he opposed delays and objections, which provoked complaints and remonstrances. By dint of perseverance James procured the removal of those whom he named as his enemies: but in the appointment of others to succeed them, little regard was paid to his recommendation. William steadily refused commissions to all whom he suspected of being attached to the king or the catholic faith, while, on the other hand, he sought out men dependent on himself, and particularly the officers who had been discharged by Tyrconnel from the army in Ireland. The consequence was that, in the following year, these regiments hesitated not to draw the sword

against their natural sovereign, and cheerfully accompanied the prince in his expedition to England*.

3. William also thought that he had his grounds of complaint. It was evident that the religious fabric which James laboured to rear with so much danger to himself, would crumble into dust on the accession of the princess of Orange. Hence sprung a report that it was the royal intention to exclude her from the throne, either in favour of the princess Anne, provided the latter would embrace the catholic faith; or, in case of her refusal, in favour of the king's illegitimate son, the young duke of Berwick. That no such notion ever suggested itself to the mind of James, or obtained his approbation when suggested by others, is plain from his solemn asseveration, and the uniform tenour of his conduct with respect to his daughter Mary. It seems to have originated with Barillon†, whose eagerness to serve his own sovereign, taught him to labour by every artifice in his power to inflame the jealousy, and widen the breach between James and his nephew. On the suspicious mind of the latter, who had long flattered himself with the future acquisition of the British crown, this report made a deep and lasting impression: and Van Citters, the ambassador, was employed by him to sound and
 1686. discover the real disposition of the monarch. At the
 Aug. mention of a change in the succession, the king replied,
 17. that he did not believe there existed a man who would dare to affront him with such a proposal; that religion was not to be established by acts of injustice; and that he loved all his children too well to do any of them wrong‡.

* D'Avaux, Lettres du 12 Juin, 14 Août, 1687; 2 Avril, 1688.

† I attribute this project to the fertile brain of Barillon, because as early as the 16th of March, 1685, he suggested it to Louis, as a measure which some talked of, and which James might be led to adopt, if he were solidly established on the throne by the aid of Louis in the beginning of his reign. Barillon, 26 Mars. The king replies: Il est bien à souhaiter que ledit roi pût porter la princesse Anne sa fille à embrasser la religion catholique, mais il n'y a pas lieu de craindre qu'il pût éloigner par ce moyen la princesse d'Orange de la succession. Lettre du 6 Avril.

‡ "Sa majesté me dit qu'elle ne croyoit point que qu'un ce soi osât le lui représenter, et qu'elle n'y entendroit jamais . . . que dieu n'avoit

This answer, however, did not tranquillize the mind of the prince, who artfully demanded a yearly income to be settled on his wife in quality of *presumptive heir*. Some of the catholic counsellors, anxious to earn his favour, solicited the king to accede to the request: but James was not a prince to give away his money with the suspicion that it might be employed against himself; and he eluded the demand with this answer, that no income could be claimed by the heir to the crown, unless it were to be spent within the kingdom*. Defeated in this pursuit, William adopted a plan to get into his possession the supposed competitor of his wife. 1687 Prince George had gone to Denmark on a visit to the king his brother; and Anne was persuaded to express a desire of spending the time of his absence in the company of her sister Mary. By James permission was cheerfully granted; but in a few days he repented of his facility, and revoked his word, under the pretence that it was contrary to sound policy to allow both sisters,

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"jamais exigé d'aucun roi ou prince qu'ils fissent des lâchetés ni des injustices pour l'établissement d'aucune religion, bien loin d'approuver un tant aussi moins qu'elle le soit à ses propres entons, pour qu'elle "avait la plus grande estime." Lettre de Van Cutters, 25 Août. I shall not transcribe the paper which at the same time the envoy put into the hands of the king. It pretended to be a secret report made to him by the privy council, and is evidently as James pronounced it, a forgery, probably got up for the purpose of drawing from him his sentiments on the subject of which it treats. Its substance may be seen in *Mozine* (ii. 161), who has transferred it to his pages, but in much better language than it can boast in the original. Some have supposed that it was the work of Bonrepaus; but to me it appears incredible that it could have been written by any native of France. In consequence of a passage in this paper advising him to gain by submission the protection of the king of France, "S. M. me dit avec chaleur, qu'elle étoit résolue de ne pas fléchir sa couronne en aucune manière, qu'elle vouloit que tout le monde sût qu'elle étoit née Anglaise; et qu'ayant son ambassadeur à Rome, quoiqu'elle "eût un grand respect et vénération pour le St. siège, elle ne le feroit jamais rien (quequo) déplaisir que sa sainteté en pût avoir) qui la mit au dessous des rois de France ou d'Espagne. Et enfin, s'écriant avec emportement, Vassal! Vassal de la France! Monsieur si le parlement avoit voulu, et s'il vouloit encore me donner les moyens nécessaires, j'aurois porté la monarchie, et je la porterois encore, à une aussi haute degré de considération qu'elle ait jamais été sous le règne d'aucun des rois mes prédécesseurs; et cela ne seroit peut-être pas mauvais pour votre état." Van Cutters, *ibid*. Both the Dutch and Spanish ministers were satisfied that there was no truth in the rumour of a league between James and Louis.

* D'Avaux, 10 Janv. 1687; 20 Mai, 1688. Burnet, iii. 125.

the next heirs to the crown, to be at the same time within the power and control of any foreign state*.

4. The real expedient, by which the king hoped to give stability to his plans in favour of his catholic subjects, did not contemplate any change in the succession. He had persuaded himself that William might be induced to approve of the general abolition of the penal laws on matters of religion, and even to pledge his word for the support of the measure after the decease of the reigning monarch. For this purpose he despatched to Holland sir William Penn, the celebrated quaker, that he might read lectures on toleration to the prince and princess, and might convince them that all restraint on the freedom of religious worship was contrary to the unalienable rights of conscience. But the address and eloquence of Penn were foiled by the cunning of a more welcome adviser, who suggested an answer subversive at once of the king's views and expectations; that, hostile as they were to persecution, yet they would never give their consent to the repeal of the test act, because that act was necessary for the preservation of the protestant faith†. This adviser was Burnet the historian, who, having deeply offended the royal brothers during the reign of Charles, had asked and received permission to travel on the accession of James. From Italy he came back to Holland, where he was invited to the court of the prince, and soon acquired a high degree of favour and confidence. His knowledge of men and parties rendered his information most valuable; and his character as a theologian enabled him to do to his patron a most acceptable service, by persuading the feeble mind of the princess that the law of England, which, in the event of her succession to the crown, would give her the superiority over her husband, was contrary to the law of God, which made her at all times subject to his authority; and that

* Barillon, 13. 19 24 Mars, 1687. Rochester and Churchill were suspected by the king as the advisers of Anne in this instance.

† Burnet, iii. 132, 133. D'Avaux, 23 Jan. 1687.

she was therefore bound in conscience to transfer to the hands of the prince the sovereign power which she might subsequently inherit as her birth-right. Under this impression, sending for William, she made to him, in the presence of her instructor, a solemn promise, that, whatever authority might subsequently devolve on her, should be possessed and exercised by him: he should bear the sway, she would demean herself as a loving and dutiful wife; nor did she ask any other return for this proof of affection than that, as she practised one command, *Wives, be obedient to your husbands in all things*, so he would practise the other, *Husbands, love your wives*. By these words she alluded to his amour with Mrs. Villiers, afterwards lady Orkney; but William, though he exacted from her the benefit of the promise, was careful to absolve himself from the obligation of complying with the condition*.

5. Skelton, who represented the king of England at 1686. the Hague, had incurred the displeasure both of the Sept. States and of the prince: of the former in consequence of an attempt to seize, with the aid of some English officers, the person of sir Robert Poyton, one of the outlaws; and of the latter on account of some real or imaginary interference with his amours, matters which were publicly known, though William sought to persuade himself that they were wrapt in impenetrable obscurity†. James transferred Skelton to the higher post of ambassador at Paris, and chose for his successor White, a native of Ireland, who had been frequently employed at Brussels and Madrid by Charles II., and was generally known by the name of marquis of Albeville, which title he had accepted from the emperor in lieu of the

* Burnet, iii. 123, 131 "Ever after that, he seemed to trust me entirely" Burnet describes the suggestion as originating with himself; lord Dartmouth infers from the very narrative, that he was employed by the prince. 131, note.

† See the intercepted letter from Dr. Covell to Skelton, on the conduct of the princess under the bad treatment which she received from her husband, in *Clar. Corresp.* i. 165 Covell was her chaplain, and was in consequence dismissed by the prince.

pecuniary compensation due to his services. Albeville was a catholic, and therefore less acceptable to the States, but more likely to execute with fidelity the commissions with which he was charged*. He took with him the royal recommendation in favour of the officers implicated in the attempt upon Peyton, and though he could not prevent them from being cashiered, was suffered to convey them in safety to England†. He also succeeded, though with considerable difficulty, in procuring the removal of Burnet from the court of the prince: but it was little more than a nominal removal: for though William no longer spoke to him in person, he continued to consult him on English affairs, through the agency of his confidential advisers Halweyn and Dyckvelt‡. But with respect to the two great objects of his mission Albeville was unfortunate. It was in vain that he assured the prince of the king's resolution to preserve the legal descent of the crown: that he had never entertained, that he could not for a moment entertain, a thought so wicked and unjust, as that of depriving his own daughter of her hereditary right. The assurance was received with outward acknowledgments, and with inward distrust. Neither would William listen to the arguments of the ambassador in favour of a total liberty of conscience. He was, he said, a friend of toleration, but only in a limited sense: he wished the catholics in England to enjoy all those liberties which were

* He had formerly rendered some service to the king of France, and before his departure Barillon not only made him a present of 300 guineas in the name of Louis, but added the promise of a pension. In return he engaged to communicate with d'Avaux at the Hague, and to send information for Barillon in letters to Sunderland, though he was ordered to correspond officially with the other secretary, the earl of Middleton. Barillon, 2, 23 Sep. 1686; 3 Mars, 1687. At the Hague he laboured so earnestly to reconcile James and the prince that d'Avaux doubted his sincerity; but that doubt soon vanished, and d'Avaux obtained for him another gratuity of 150 guineas in addition to his pension. D'Avaux, 23 Janv.; 12 Juin, 1687. See also Burnet, iii. 163.

† D'Avaux, *Lettres* du 30 Janv.; 27 Mars 14 Mai. Burnet, iii. 173. He tells us that he suggested to the princess the answers which she returned to her father, who had required her to dismiss Burnet.

‡ Id. 23 Janv.; 24 Avril.

enjoyed by the catholics in the United Provinces. But he dared not consent to the abolition of the test act, because it was the only security of the established church under a catholic monarch*.

6. Soon after the mission of Albeville, new jealousies and alarms were excited by the disgrace of Rochester and the proceedings of Tyrconnel. Messengers from England arrived at the Loo and the Hague, and Fagel, Bentinck, and Halweyn, consulted with Burnet and the chief of the outlaws: but William was too cautious to listen to those who advised an immediate recourse to arms; and doubting the fidelity of the representations made by his English adherents, he sent to London as ^{Feb.} his agent Dyckvelt, a statesman of acute observation and consummate ability. To elude suspicion Dyckvelt was invested with an extraordinary mission from the States, and instructed to inquire into the destination of the armaments said to be in preparation in the English ports†. But James, who was acquainted with his real object, complained in bitter terms of the distrust and duplicity of his son-in-law; and to the question of the ambassador replied that he had neither the intention of disturbing the peace of Europe, nor of interrupting, as was rumoured, the legal line of succession‡.

Dyckvelt remained four months in England, and seems at first to have flattered the king with some hope

* D'Avaux, Lettre du 23 Janv.

† Dyckvelt had his first audience on the 3d of March: on the 7th the comess of Sunderland wrote to the prince the extraordinary letter preserved by Dalrymple (187) to caution him against any negotiation for the abolition of the test and penal laws. See Note (D.)

‡ D'Avaux, 6 Fev., Burnet, iii. 161. James was aware beforehand of the object of this mission. "Le prince d'Orange," dit-on le Roi, "juge des autres par lui même. Il croit, parcequ'il a été d'avis de m'exclure, que le même dessein pourroit me venir dans l'esprit. Cependant ceux qui me connoissent, me croient fort éloigné d'une pensée si injuste et si impraticable.... Il prend la résolution de faire envoyer ici par les Etats un homme qui lui est entièrement assidé, par le moyen duquel il espère fortifier et encourager tous ceux qui sont de son parti.... Il juge de moi par lui même. Mais il se trompe fort. C'est Dieu qui donne les couronnes, et mon intention est bien loin de rien faire contre la justice et le droit." Baillon, 27 Janv. 1687.

that the prince would assent to the removal of the test and penal laws. For William was then busily employed in his favourite project of forming a general confederacy against the power of France: which rendered it of importance to him, to win over, if it were possible, his father-in-law, and to avoid all cause of offence to his catholic allies. Hence it probably was, that when the king published the declaration of liberty of conscience, the envoy

4. spoke of it in terms of high approbation, as a measure dictated by justice and religion: but, before his departure, it became necessary that he should disclose the refusal of William both to James and to the ambassador of the prince's ally the king of Spain. To the latter he excused it on the plea that the repeal of the test would throw the power of the kingdom into the hands of the dissenters and the catholics, of the dissenters who were republicans by principle, and of the catholics who were the dependants of their common enemy, the king of France. But James refuted his reasons; assured him that he should persist in the prosecution of his object; and required him to inform the prince and princess that it was their duty to submit their judgment to his; for he was the head of the family, and had a right to their obedience*.

Dyckvelt, in the mean time, faithful to his instructions from the prince, had improved the opportunity to learn the strength of the royal army, the state of the royal finances †, and the feelings and resources of the several parties. He communicated personally or by letter with the secret adherents of William, assured the discontented that the prince would never submit to any measure which could weaken the ascendancy of the established church, and advised the dissenters to stand aloof from the contest, and to expect from the successor of James a more legal and permanent toleration. He had even

* See despatch of Ronquillo in Mackintosh, 681, and of d'Adda, 640: also Barillon, 12 Juin

† According to Bonrepaus, who had seen the treasury accounts, James, after payment of all expenses, had a surplus of 100,000*l* per annum. *Lettre du 4 Juin.*

thrown out to the catholics a promise, that if they would deserve it by their conduct, they should find in William a protector from the future vengeance of their enemies.

At his return to Holland he took with him letters June 9. filled with expressions of attachment, and offers of service to William, from the marquess of Halifax, the earls of Shrewsbury, Bedford, Devonshire, Clarendon, Sunderland, Danby, Nottingham, and Rochester, the bishop of London, the lords Lumley and Churchill, admiral Russell, and several other individuals of high rank and extensive influence. It was not that all these aimed at the same object, or were even acquainted with the views and opinions of each other. Halifax, Sunderland, Clarendon, and Rochester chiefly sought to secure the good-will of the prince, whom they looked upon as the probable successor to the throne: but most of the others went much further: Danby, even in the days of his power, had sought the friendship of the prince in opposition to James: the bishop*, and Devonshire, Bedford, Shrewsbury, and Lumley, had private wrongs to revenge: the two last, who had abandoned the catholic faith, were also anxious to display their zeal for the creed which they had chosen; and all these solicited from William an armed interference, which, while it should establish religion and liberty, might secure the succession to him and his wife, perhaps place them immediately on the throne. These sentiments it would have been imprudent to commit to writing; and, therefore, in their letters they confined themselves to general expressions of dubious import, the true meaning of which the bearer was authorised to explain†.

The report which Dyckvelt made of his mission

* The best excuse for the profane style of the bishop's letter, is that he was afraid that it might be intercepted, and his secret discovered. In it he prays to God that no trouble may come to the king, at the very moment that he was labouring to dethrone him. See it in Dalrymple, 199.

† See them in Dalrymple, 190—200. Lord Devonshire's opposition to the court arose from the following circumstance. In 1696 colonel Culpepper struck him in the king's ante-chamber, and was condemned to lose his hand for the offence, but obtained a pardon after a long imprisonment. The next year the earl struck Culpepper with a cane near the queen's

opened a more inviting prospect to the ambition of the prince, and revived all those aspiring hopes which had first been awakened by the bill of exclusion. It is not indeed to be supposed that he now formed the very plan of invasion which subsequently placed him on the English throne—that particular measure was brought about by events over which he had no control—but he resolved to be prepared for whatever might happen, and take advantage of the first favourable opportunity which might be offered by the imprudence or the death of the king. Hitherto, in his correspondence with his uncle, his language had been reserved but respectful, more expressive of doubt than of determination: now he adopted a more resolute tone, and, in his answers to two long and argumentative communications from James, replied, that though he would rather forfeit his life than become a persecutor, yet, in no circumstances whatsoever, not even for the succession to the English crown, or to all the crowns in Europe, would he or the princess consent to the repeal of laws, which they thought necessary for the support of the protestant worship*. It was this which induced the king, contrary to the remonstrances of several in the council, to dissolve the parliament, that he might defeat the intrigue between William and the leaders of the opposition†: while the prince on the other hand, to encourage and stimulate the zeal of his friends in England, assured them that if

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drawing-room, and, though he claimed the privilege of the peerage, was condemned by the court of King's Bench in a fine of 30,000*l.*, and to be imprisoned till the fine was paid. For a while he set that court at defiance. But when the attorney-general took out process against him that the fine might be estreated into the Exchequer, he sought to make his peace, through the duchess of Mazarin, was admitted into favour, and given to understand that the fine would not be demanded, if he behaved properly. Thus the matter stood till the revolution, when the lords (May 15, 1689) declared the proceedings in the King's Bench a breach of privilege, the fine exorbitant, and that no peer could be committed for non-payment of a fine. See *State Trials*, xi. 1354—1372. Barillon, 30 Oct., 6, 10 Nov. Bonrepaus, 7 Nov. *L. Journ.* xiv. 211.

* D'Avaux, 19 Jun.; 6 Jul. *Id.* *Negotiations*, vi. 33. Barillon, 17 Jul. Bonrepaus, 21 Jun. Dalrymple, 184.

† I.e. considerazioni principali erano che dal senogheilo (il parlamento), si venivano ad eludere tutti gl'intrighi del principe d'Oranges. D'Adda, 8 Aug.

James should attempt with the aid of "a packed parliament" to repeal the test act and the penal laws, he would join them with an armed force, and draw his sword with them in defence of their common religion. For this purpose he despatched Zuylestein, another Aug
S. envoy, under the pretext of offering his condolence to the king and queen on the death of the duchess of Modena. Zuylestein pursued the same conduct as Dyckvelt, and having consulted the chiefs of the malcontents, returned with letters and assurances of support to the Hague*.

7. This was followed by the publication of a letter on the same subject, written by Fagel, the pensionary, to Stewart, a Scottish lawyer, who of an enemy and outlaw had been made a convert to the royal cause by the address of sir William Penn. Stewart, presuming on his former influence with the prince, had obtained permission of the king to commence a correspondence on the subject of the penal laws; and Fagel gladly embraced the opportunity to reply, that their highnesses were enemies to religious persecution, and willing to concede to the British catholics that liberty of worship which was enjoyed by the catholics of Holland, but that they never would consent to the repeal of the test, or of any act, having for its object the safety of the protestant church; that laws which merely fixed the qualifications for office could not be taxed with injustice, nor could that man be said to persecute, who did not seek to punish the religious belief of one party, but only to preserve the religious establishments of the other†.

In this letter there was nothing which had not been repeatedly stated by Dyckvelt to the king, and by the prince to Albeville. But it was in reality composed for the information of others; the catholic princes, the allies of William, who would learn from it that he bore no real hostility to the professors of the catholic faith, and

* Dalrymple, 200—210 Zuylestein was afterwards created earl of Rochford

† Dumont, vii. part ii. p. 151. State Tracts, 331.

the British protestants, whom it would induce to look on him as the staunch and uncompromising champion of the protestant ascendancy in the British empire. With this view it was published in Dutch, French, English, and Latin, and forty-five thousand copies were sent for circulation to England, where, from the high place which Fagel held in the confidence of the prince, it was considered as a public paper, with a semi-official character. The friends of James, however, did not suffer it to pass without an answer. Treating it as the composition of William himself, they animadverted severely on the indecency of the publication. What right, they asked, could a foreign prince possess of announcing to the inhabitants of a great empire his condemnation of the rule of their sovereign? The test act, they maintained, was unjust, because it deprived the catholic peers of their birthright, though guiltless of any crime: because it was founded on the acknowledged falsehoods and forgeries of Titus Oates: and because its real object had been the exclusion of James, while its real victims were those who had been made subject to its provisions, that through *them* it might reach *him*. It was moreover a grievance to protestants themselves, by imposing on men, unused to such investigations, the necessity of pronouncing solemnly on the truth or falsehood of a metaphysical opinion, and of declaring the invocation of saints to be idolatrous, though the form of that invocation was itself equivalent to a disclaimer of idolatry; and that to vindicate the test on the ground of its being merely a qualification for office was a pretence, the falsehood and injustice of which Fagel himself would admit, were he by the enactment of a similar qualification excluded from his share in the government of the united provinces*.

* James, ii. 145—151; and Stewart's answer to Fagel. The catholic peers at this period were the duke of Berwick, the marquess of Powis, the earls of Salisbury, Peterborough, Portland, and Cardigan, the viscount Montague, and the lords Abingavenny, Audley, Stourton, Hansdon, Petre, Gerard of Bromley, Arundel of Wardour, Teynham, Carrington, Widdring-

Whatever force there might be in this reasoning, the publication of Fagel's letter completely answered the purpose of its author. By the tone of moderation which distinguished it, the pope, the emperor, and the catholic princes were led to believe that William was prepared to grant to the British catholics every indulgence which they were entitled to expect; and by pointing out to the British protestants the prince and princess as defenders of the test act, it constituted them in fact the leaders of the party. On the one hand it allayed the jealousy of his allies; on the other it encouraged the timid among his friends, confirmed the wavering, and stimulated all to resistance and exertion*.

But what great aid, it will be asked, could William bring to the disaffected in England? *He* was not the sovereign of the United Provinces; he held not at his disposal their naval and military force. He was no more than the servant of the States-General, bound to obey their orders, and answerable to them for his conduct. To employ their armies in a foreign war without their permission, was to violate the constitution; and to reveal to them his real object would have been to defeat his purpose by making it public. This was a great and alarming difficulty, and the consummate art with which it was surmounted, proves the political sagacity both of the prince and of his advisers. 1. In common with his friends, he felt or affected to feel the deepest apprehension for the very existence of the reformed worship. Louis and James according to them were linked together in the closest amity, and had formed an impious league for the extirpation of protestantism. The first had already acted his part by his revocation of the edict of Nantes: the second was following his steps as rapidly as circumstances would permit; and from England and France they would extend their views to the United Provinces,

ton, Belasyse, Langdale, Clifford, Jermyn of Dover, and Waldegrave. The next year sir Francis Radclyffe was created earl of Derwentwater.

* Burnet, iii. 203. 206. Also 165, note.

whose religion and independence were evidently at stake. Nor was this opinion confined to political circles. It was echoed and enforced from the pulpits: a correspondence between the two jesuits Petre and la Chaise, confirmatory of such projects, was forged and published, prints descriptive of the sufferings of the French protestants, with pamphlets calculated to kindle and inflame religious animosity, were industriously circulated; and the ministers, to make the deeper impression on the public mind, waited in a body on the prince, thanked him for his services in the cause of protestantism, and were informed by him in reply, that there never was a time which called more loudly for their prayers and exertions, because there never was a time when the true profession of the gospel was assailed by more powerful and determined enemies. By these arts the passions of the people were wrought up to such a degree of phrenzy, that moderate men felt themselves condemned to silence, through the fear of being torn in pieces by the zeal of an enraged populace*.

2. While the prince thus secured the adhesion of the lower classes, he secretly excited or fomented a succession of petty quarrels between the States and his father-in-law. 1. The English East India company had made bitter complaints of the injuries which they suffered from the Dutch at Bantam and Masulipatam; and James in firm and threatening language insisted on immediate reparation. By William the States were exhorted to temporise; they protested against the exorbitant claims of the company; they excused the delay through the want of evidence from their own servants; and, if they offered reparation, it was in terms evasive or unsatisfactory. 2. Soon afterwards a fleet of Algerine corsairs, commanded by Dutch renegadoes, appeared in the Channel for the purpose of making depredations on the commerce

* D'Avaux, 26 Feb.; 11 Mars; 10 Juin; 20 Juil; 10 Août. Among these forgeries was also a letter from a jesuit at Liege to a jesuit at Frieburg, which may be seen in Echard, 1820. Also Burnet, iii. 169, 176, note and d'Avaux, 4 Juillet.

of the United Provinces. The admiral anchored in the 1686.
 harbour of Plymouth, and demanded, in virtue of the treaty between the king and the regency, permission to June
 sell his prizes. His right to enter the port was admitted ; 22.
 but the permission which he sought was refused : and yet
 the States remonstrated in violent terms against this de-
 termination : the charge that James was secretly leagued
 with the infidels against the heretics, was echoed back
 by the partisans of the prince in England and Holland ;
 and the king, to silence their clamour, issued orders to
 admiral Strickland to sweep the Channel of the pirates.
 3. A third cause of dissension arose out of the counte-
 nance which Burnet, to whom James had traced several
 libellous publications, received in Holland. Having been
 cited to appear, he was pronounced fugitive by the court
 of justiciary in Scotland, but at the same time obtained
 letters of naturalization, and a promise of protection from
 the States. Albeville required that he should be de-
 livered up in conformity with the treaty of Breda, but
 received for answer that their high mightnesses under-
 stood the provision in that treaty in a very different sense
 from the king of England *. Lastly, James demanded
 the six British regiments serving in the United Pro-
 vinces : the States refused. He appealed to the law of
 nations : they replied that the civilians in Holland did
 not admit of the interpretation of that law given by the
 civilians in England : he claimed the services of the
 brigade in conformity with the capitulation between the
 prince of Orange and the earl of Ossory : they (though
 the British force in their pay had hitherto been governed
 by that very instrument) declared it of no value, because
 it had never been formally ratified. In conclusion, the
 king by proclamation recalled his subjects serving under Mar.
 foreign powers ; but the call was obeyed by only thirty- 15.

* For the Algerines see Bonrepaus, 9 16 21 Juin. Ellis Correspondence, i. 127 137 : with respect to Burnet, D'Avaux, 17 Jul. . 7 Août ; 23 Janv. ; 10. 24 Fev. State Trials, xi. 1103—1124. Burnet, iii. 194.

six officers, and a small portion of privates *, who served to form the nucleus of three new regiments, composed chiefly of catholics. The effect of these bickerings proved highly beneficial to William, inasmuch as they created an alienation of mind in the principal persons among the States, which rendered them willing to connive at measures calculated to injure a prince whom they both feared and disliked.

3. But the chief object of his solicitude was to procure supplies of men, ships, and money, without disclosing at the same time his real purpose. His partisans began by disseminating a report that Louis and James had entered into a secret league to make war on the United Provinces in the following spring; but this falsehood † would have failed of its purpose had it not been aided by the depredations of the Algerine corsairs, and the expectation of another visit from the pirates during the next summer. For the protection of their commerce the States voted a levy of nine thousand seamen; and the prince not only put twenty sail of men-of-war into commission, but ventured without authority to order twenty more to be put in such repair that they might be ready for sea in a few days. He had also the address to procure from the

* Burette, iii. 208. D'Avaux, 12, 24 Fev., 16, 19, 25 Mars. Bailon, 12 Fev.; 25 Mars. The recall of these troops originated with the french cabinet, for the purpose of weakening the army, and embarrassing the counsels of the States. D'Avaux suggested it to Albeville, and Albeville to James, on the ground that he could have no reliance on the fidelity of the six regiments as long as they remained under the command of the prince. He assented, and proposed that Louis should take them into his service; but Louis deemed it better to furnish pay for two thousand men, provided they should remain in England. But by this time Sunderland had discovered the origin of the project, and instantly threw every obstacle in the way of the negotiation, till his services were purchased by a new gratification of 2250*l*. Immediately afterwards Albeville received orders to recall the troops. See d'Avaux, 22 Août, 1687; Bailon, 9 Janv. 1688; and the answer of Louis, 16 Janv. The pay of two thousand men amounted to 42,048*l*. a year.

† D'Avaux speaking of the false reports at the Hague uses these words: "le prince et ses créatures ont au suprême degré le talent des Antrichiens de débiter effrontément une menfonge, qu'ils savent bien devoir être détruite trois jours après," 6 Fev. 1687. That there existed no league between the two monarchs, either against the States, or for the support of

States an order that the ships should not, as was usual, be stationed in the harbours of the different admiralties, but should rendezvous either at Flushing or Willemstad, two ports his own property, where he could exercise the command without control. With respect to the army he did not venture to raise any additional force; but he concluded private treaties with different princes of Germany, who bound themselves to furnish at his requisition several thousand men for the defence of the southern frontier, whenever the Dutch troops should be withdrawn by the prince for any distant expedition. To procure money towards the equipment of the fleet, the produce of the customs was almost doubled by the enforcement of new and severe regulations, and on his earnest remonstrances that several fortresses were falling into ruin, a loan of 4,000,000 of florins was voted for their repair. The loan was indeed ordered to be raised by equal portions, in four successive years, but the treasurer, under the influence and protection of the prince, obtained the whole sum at once, and held it at the disposal of his patron*.

In the meanwhile James pursued with obstinacy his dangerous and desperate career. The mutity of his past efforts might have taught him the folly of expecting to win the consent of men, while he continued to offend their prejudices, and trample on their rights. But his was a mind on which the lessons of experience were thrown away. Though the closetings, and removals, and interrogatories had failed, still he could discover no cause of despondency; the reasonableness of the thing, the interest of the dissenters, and the influence of the crown, would, he thought, gradually make converts to

James in England, is plain from all the despatches of the French ministers, and in particular from a letter of Louis XIV to d'Avaux in answer to a hint on that subject: "*Comme ce prince ne doute pas de mon affection, et du désir que j'ai de voir la religion catholique bien rétablie en Angleterre, il faut croire qu'il se trouve assez de force et d'autorité pour exécuter ses desseins, puis qu'il n'a pas recours à moi.*" 17 Juillet, 1687.

* *Negotiations du comte d'Avaux*, vi. 9. 13. 28. 44. 59. 64. 66.

his opinion, and it was his fixed resolve to call no parliament till he should be secure of a majority in both houses. The consent of the prince of Orange, which he had once considered necessary, was now a matter of less importance. The queen was pregnant; and her child, if, as he promised himself, it should prove a boy, would be entitled to the succession in the place of his daughter the princess Mary. He beheld with satisfaction the sudden damp which this intelligence cast on his opponents: but the report was soon met by a rumour most industriously circulated, that the queen's pregnancy was a mere pretence, the first act of a farce, which would end in the production of a supposititious child, a false prince of Wales, to the exclusion of the true protestant heirs*. In ordinary circumstances so improbable a tale could not have found credit: but it was eagerly received by the prejudice of party: and, to give to it a greater air of probability, the story of queen Mary's "mock conception" by Fox, the martyrologist, was reprinted and distributed among the people, under the title of "Idem iterum, or queen Mary's big belly."

- Dec. 23. James, however, treated this attempt with scorn, and, by proclamation, announced the propitious event to his loving subjects, ordering at the same time a day of thanksgiving to be observed, with a form of service prepared by the three bishops of Durham, Rochester, and Peterborough †.

* Of the reality of the queen's pregnancy, and of the birth of the prince, no man can reasonably doubt, who has perused the extracts from her letters to the prince of Orange (Folios 1st series, m 348) the depositions made before the council (Several Declarations, &c. 23 40, 41 47, and the passages selected by Mazure from the despatches of Barillon and Bompas (Mazure, n 366. 369 459). From these it appears that the queen was herself uncertain as to her time, reckoning occasionally from the king's arrival at Bath on the 6th of September, and occasionally from their return to Windsor, on the 6th of October: a point of some consequence in the controversy, as it completely sets aside the most plausible of the objections: though it is plain, that if fraud had been intended, nothing was more easy than to have fixed on a certain time, and to have abided by it. See also the letters in Dalrymple (303 314), which do little credit to the filial piety of the princesses Mary and Anne.

† We are told that, "in the proclamation for the thanksgiving, it was intimated that the child was to prove a son, and still more plainly in the

From this moment his adversaries watched his conduct with more than their former jealousy, while the infatuated monarch continued to act, as if it were his wish to conjure up and combine together all the elements of that storm which, in a few months, burst on his head, and swept him and his from the throne.

1. The elector of Cologne had appointed for his resident at the English court a native Benedictine monk, of the name of Corker, who had been tried for his life during the imposture of the popish plot. There was something sufficiently extraordinary in the appointment itself: but James was not satisfied: he insisted that the resident should be introduced at court in the habit of his order, accompanied by six other monks, his attendants, in a similar dress. It was a ludicrous rather than an offensive exhibition: but, while it provoked the sneers and derision of the courtiers, it furnished his enemies with a new subject of declamation against him, who, not content with screening these men from punishment, brought them forward as a public spectacle, to display his contempt of the law, and defiance of public opinion *. Feb. 1.

2. His next act was calculated to beget a fiercer and more general spirit of discontent. In the beginning of the year, Parker, bishop of Oxford, died, and James, by a mandatory letter, ordered the presidentship of Magdalen college to be given to Dr. Giffard, who was already selected for one of the four vicars apostolic†.

"catholic form of prayer on that occasion" I can no where discover this indication. The words in the proclamation are these "His majesty has 'apparent hope and good assurance of having issue by his royal consort 'the queen.'"—in the catholic prayer, "Concede propitius ut famula tua, regina nostra Maria, partu felici prolem edat tibi fideliter serviluram," a form in use for centuries on such occasions.

* Baillet, 16 Fev. "L'admission d'un Bénédictin à l'audience du roi d'A. en qualité d'envoyé d'un prince souverain, est plus capable d'éloigner les protestants de notre religion que de les y attirer; et comme on ne voit point de semblables exemples dans les pays entièrement catholiques, il semble aussi qu'on pouvoit se dispenser de donner ce sujet de raillerie aux hétiétiques." Louis à Barillon du 26 Fev.

† Hitherto there had been but one catholic bishop in England, Dr. Leyburn; but three others, Philip Ellis, a monk, Dr. Giffard, and Dr. Smith, secular clergymen, were appointed on the 30th of Jan. 1688, and the king-

Mar. The great majority of the fellows and demies, as the
 31. reader is aware, were already catholic: by this nomination the president was now a catholic; so that the college in fact was taken from the protestants and made a catholic establishment, and that too by a prince who had solemnly promised to maintain the rights and privileges of the church. In his defence it was argued, that, by the obstinate secession of the former inmates, the house had fallen to the crown, and that in such case the sovereign might reasonably fill it with one class of religionists, when it had been abandoned by the other. But such sophistry could make little impression on the mind of any man, who considered the origin of the quarrel, and the law of the land. A prudent prince would have grasped at the opportunity of effecting a reconciliation with the university: James, by a new act of injustice, chose to augment and perpetuate the cause of irritation. If we may credit the information sent by the nuncio to the papal court, the suggestion came originally from Sunderland *.

But that which filled up the measure of his offences was the prosecution and trial of the seven bishops. A year had elapsed since his proclamation of liberty of
 April conscience. He now ordered it to be republished, and
 25. appended to it an additional declaration, stating his unalterable resolution of securing to the subjects of the English crown "freedom of conscience for ever," and of rendering thenceforth merit and not oaths the qualification for office. A rival people (the Dutch) might censure and complain—they would be the losers by the improvements—but liberty of conscience would add to the wealth and prosperity of the nation, and give to it what nature designed it to possess, the commerce of Europe. He would have his subjects to look back on the three years which they had already passed under his sway, and to judge, from the ease and happiness which

dom was divided into four districts, one of which was allotted to each on the 20th of July following

* James, ii. 126. Dodd, iii. 469. Burnet, ii. 219.

they had enjoyed, whether, instead of being the tyrant represented by his enemies, he had not been in reality the father of his people. Wherefore he conjured them to lay aside all jealousies and animosities, and prepare to elect for the next parliament, which would meet at the latest in November, such representatives, as might aid to complete the great work which he had so happily begun*.

The king had persuaded himself that considerable benefit would be derived from this declaration; and, that it might be the more generally known and obeyed, an order was sent to the several bishops from the council, enjoining that it should be read by the clergy in their respective churches, at the usual time of divine service, in London, on the 20th, in the country on the 27th of May—an order, the unpolicy of which is so very obvious, as to provoke a suspicion that it proceeded from the advice of a concealed enemy. It was not, indeed, without precedent. In 1681, at the suggestion of archbishop Sancroft, the declaration of Charles II. against the Whigs, and subsequently, in 1683, his declaration respecting the Rye-house plot, were read by order of the king during the service†. But at those times the court was in favour with the church, and no man thought of disobeying an order which he approved. But now, when the minds of the clergy were estranged by jealousy and embittered with resentment, to insist that they should read to their flocks a declaration which they judged hostile to their interest, was to provoke a quarrel which, in the feverish state of the public mind, could not fail of proving most injurious to the royal cause. After a few days, the archbishop gave a dinner to the leading clergymen in the capital: and, when those who had not been admitted into the secret, were departed, Compton of London, Turner of Ely, White of Peterborough, and Dr. Tennison, remained in consultation with the

* Wilkins, Con. iv. 616.

† Burnet, iii. 212. Baker, Continuation, 709.

metropolitan. By them it was resolved that the clergy could not read the declaration either in prudence or in conscience: not in prudence, for three reasons, because it was contrary to the interest of the church, because it would be taken as a proof of their approbation or their cowardice, and because it would lead to the reading of other and perhaps still more offensive papers: nor could they read it in conscience, because it contained illegal matter, as it pre-supposed not merely a dispensing, but even a disannulling, power in the crown. But it might be asked, Were the clergy the proper judges of that question? Or could they conscientiously refuse to obey an order issued by the head of their church? The objection was answered by a train of reasoning which would have done honour to the most subtle casuist: that each individual must judge for himself, and act according to that judgment; that hence, if he judge a declaration illegal, there can be no disobedience in refusing to read it: for unlawful matter ought not to be published by him who thinks it unlawful, because it cannot come to him from any lawful authority: not from the king, for the king can do nothing unlawful; nor from his ministers, for they must have their authority from him. The refusal then is lawful, and consequently free from the guilt of disobedience*.

May 18. In consequence of this resolution, seven other bishops were invited to join the four in London; and of these Lloyd of St. Asaph, Kenn of Bath and Wells, Lake of Chichester, and Trelawney of Bristol, obeyed the summons. Before them was laid a petition to the king, in the handwriting of the archbishop, praying in respectful language that the clergy might be excused from reading the declaration, not because they were wanting in duty to the sovereign, or in tenderness to the dissenters, but because it was founded on the dispensing power which had often been declared illegal in parliament;

* Kennet, 482. James, ii. 152. Clarendon's Diary, 171.

and on that account they could not, in prudence, honour, or conscience, make themselves such parties to it as the reading of it in the church would amount to in common and reasonable construction. To this instrument they set their names, with the exception of the bishop of London, who was still suspended from his jurisdiction; and the subscribers, leaving at Lambeth the archbishop, who had been some time before forbidden access to the court, presented it on the same evening to the king in his closet*.

That the matter of the petition would prove offensive, there could be no doubt: but James had an additional and more reasonable cause of complaint. They had suffered fourteen days since the issuing of the order to pass in silence; and now, when there wanted but thirty-six hours of the time for carrying it into execution, they for the first time came forward with their objections. The delay might not have been intentional: it might have arisen from indecision, or apprehension, or the difficulty of ascertaining in haste the sense of the episcopal body: but to the king it seemed as if they sought to take him by surprise, to extort from him an answer, without allowing him leisure for deliberation. He replied with warmth and asperity, that he had not expected such treatment from the church of England; that they were sounding the trumpet of Sheba, and raising a devil, which they would never be able to lay; that they made themselves the tools—the unconscious tools, he had the charity to believe—of men, who aimed at the ruin of the church as well as of the throne: that the dispensing power was part of the doctrine of the church: that some among the subscribers had both preached and written in defence of that doctrine; that it was a power which, as God had given it to him, he would be careful to maintain; and that, whatever they might think, there still remained seven thousand men,

* Clarendon's Diary, 171. Kennet, 483. State Trials, xii 453. State Tracts, 430.

and of the church of England too, who had not yet bowed the knee to Baal. On their part they conjured him not to think so harshly of them: they would lose the last drop of their blood rather than lift up a finger against him; but if they were bound to honour *him*, it was also their duty to fear God: to read the declaration was against their conscience, and they hoped that he would allow to them, what he professed to grant to all, liberty of conscience. In conclusion, he did not return a positive refusal. He would take time to consider. If he should change his mind, they would hear from him in the course of the following day: if they did not, they might know that the order was to be obeyed*.

James might, perhaps, have relented; but, to add to his vexation, he learned the same night that the petition, though it had never yet been out of his possession, was actually printed, and openly distributed in the streets of the metropolis. This treatment, acting on a mind naturally obstinate, confirmed him in his first resolution. He no longer doubted that it was a preconcerted plan; that the motions of the prelates were secretly guided by the leaders of his opponents; and that the object of the publication was to embarrass him, and to excite the clergy to resistance. The next morning he

May
19. took the advice of the twelve judges; the day passed in silence; no notice was forwarded to the prelates; and

20. on the Sunday the declaration was read in a few, but a few only, of the churches in London†.

This conduct of the bishops perplexed the royal counsels. Many contended that by the premature publication of the petition, and their subsequent disobedience,

* James, ii. 154, 155. Clarendon's Diary, 172. App. 479. State Trials, xii. 454. Lonsdale, 26, 28. Gutch, i. 335, 338.

† Higgins, 330. James (Memoirs), ii. 211. Clarendon's Diary, *ibid.* Evelyn, iii. 342. "On ne doute pas que ce qu'ont fait quelques uns des Evêques ne soit concerté avec plusieurs autres, et avec les chefs du parti opposé à la cour." Brillon, 3 Jun. The declaration was read in four churches only. Both Tillotson and Stillingsfleet had gone into the country, that they might not attend at church, though they had both assisted in the composition of the petition. Clarendon, *ibid.*

they had compromised the authority of the sovereign; that, if he permitted them to beard him to his face with impunity, he might as well resign the sceptre at once; and that, to prevent similar acts of insubordination, he ought to send the offenders for punishment before the ecclesiastical commission. Others (and among them, it should be observed, were Sunderland and Petre *) represented the danger of arraying the whole church of England against the authority of the crown, and advised that the bishops should be admonished of their fault, and told that, if they escaped with impunity, it was owing to that very declaration which they refused to read, to that universal liberty of conscience, which they so loudly condemned. James fluctuated between these opposite opinions: but the first, though he admitted it to be the less prudent, accorded better with his unyielding disposition: fresh provocation was daily administered by the successive accession of other bishops to the obnoxious instrument †: and he at last resolved to call the original offenders to account, not indeed before the ecclesiastical commission—that would bear the appearance of persecution—but before a criminal court, and for a civil misdemeanor, which would enable him to vindicate the royal authority, and still leave it in his power to display his forbearance and clemency, as circumstances might suggest ‡.

Of all the counsels, which marked the arbitrary yet impotent policy of the king, this proved by far the most

* In the despatch which contains the account of these different opinions, Baillon expressly says of the advice to dismiss all intention of prosecuting the bishops, "*cet avis est celui de my lord Sunderland et du P. Petre*" (Baillon, *ibid*). and I notice the passage, because it refutes the report spread abroad at the time, that Petre in very offensive terms had urged the king to punish the prelates. Jeffreys said that James himself was disposed at first to overlook the affront, but allowed himself to be dissuaded by men, who pushed him on to his ruin. Clarendon's Journal, June 15.

† The bishop of Gloucester signed it on May 21, of London on May 23, the bishop of Norwich on the same day, of Salisbury on the 26th, of Landaff on the 27th, of Winchester on the 28th, of Exeter on the 29th, and of Worcester on the 3rd of June.

‡ Despatches of d'Adda, Gingno 4. 11.

mischievous, because it threw the very assertors of passive obedience into the arms of his enemies, who were not slow to avail themselves of the advantage. To the seven prelates they made the offer of their sympathy and advice; and carefully kept alive the irritation of the public mind by a succession of pamphlets and reports. When the bishops presented themselves before the
 June 8. council, they met with a gracious reception from the monarch; and having, after some unnecessary demur, acknowledged their respective signatures to the petition, were told by the chancellor that they would have to answer for the offence in Westminster Hall, but that, in the mean time, to spare them the disgrace of imprisonment, the king would accept their personal recognizances for their appearance. Thus it had been arranged on the preceding evening between the archbishop and lord Berkeley: but now, by "the advice of "all their wise friends"—advice given that morning, not so much with a view to the benefit of the prelates, as to drive the king to extremities—they replied that, being peers of the realm, they would give no other security than their word*. The council was surprised and disconcerted. The bishops, having been desired to withdraw and consult among themselves, were recalled: the former offer was repeated, and represented as a favour which the king wished them to accept: but they returned a second refusal; and then, as no alternative remained, were committed to the Tower under the charge of having contrived, written, and published a seditious libel†. The warrant, the legality of which in such circumstances could not be disputed, was signed by the

* State Trials, vii. 457-461.

† James, ii. 158. Gutch, i. 353, 4. State Trials, 198. 455-462. Clar. Corresp. ii. 175-177. App. 481-484. Though the prosecution was determined upon in opposition to the advice of Sunderland. Bailton observes of him, that "comme habile ministre et bon courtisan il soutient avec beaucoup de chaleur et de fermeté les résolutions qui ont été prises." 1 Juillet. The compiler of the Memoirs of James attributes, but without referring to any authority, the resolution to Jeffreys. Jeffreys himself, without a positive denial, seeks to insinuate the contrary in his conversations with Clarendon a few days afterwards. Diary, June 27.

whole board with the exception of Petre, who on his petition was excused by the king, and of lord Berkeley, who, though he had concurred in opinion with his colleagues, was at the moment, accidentally or designedly, absent*.

To check the expression of popular feeling, and to prevent any attempt to rescue the right reverend prisoners, it had been thought prudent to convey them by water to the Tower. As they proceeded down the river, the people cheered them from the banks; on their landing the officers and privates of the garrison bent their knees, and solicited the blessing of those whom they were commissioned to keep in confinement. It was the hour of the evening service. The prelates hastened to the chapel: the second lesson was read: "I have heard thee in a time accepted, and in the day of salvation I have succoured thee, behold, now is the accepted time; behold, now is the day of salvation:" nor can we be surprised if men in such a state of excitement applied these words to themselves, and took them for a prediction of the deliverance of the church from the ruin with which they thought it was menaced†. By the lieutenant they were treated with respect, and allowed the liberty of the Tower.

But two days later, while the public attention was absorbed by the proceedings against the bishops, the queen was unexpectedly taken in labour. Messengers were instantly despatched: the royal physicians, the ladies of the court, and the members of the council hastily assembled in her apartment: and in the course of an hour the king was blessed with what he so ardently wished for, the birth of a son, the apparent heir to his

* Barillon 21 Jun. He attributes the absence of Berkeley to fear.

† Those who published the order for reading the declaration were the bishops of Durham, Lincoln, Hereford, Rochester, Chester, and Carlisle. Of these six two only, Hereford and Chester, refused the oaths to king William, while of the seven who were prosecuted, the archbishop, and the bishops of Ely, of Bath and Wells, of Chichester, and of Peterborough, were deprived on that account.

crown. He did not dissemble, his friends did not dissemble, their common joy ; their chief apprehension was removed ; the princess of Orange was no longer the next in the succession. The disappointment and vexation of his opponents were equally marked. But they quickly rallied : they had prepared the people to expect a supposititious birth, and they maintained that their predictions had been verified. A number of reports and fables were immediately circulated. It was said that the queen had never exhibited those appearances which accompany a state of pregnancy ; and had taken care that the pretended delivery should happen in the absence of the princess of Denmark, and of those who were the most interested in the event. According to one tale she had suffered a miscarriage in the third, according to another in the sixth, month : some persons described minutely how the child had been introduced beneath the bed-clothes in a warming-pan, and thence exhibited to the spectators by the midwife as the royal infant, while others cared not whether there had been a real birth or not : certain they were that the child died in a few hours, and that another was substituted in its place. The inconsistency of these accounts furnishes a sufficient proof of their falsehood : but they were so often and so positively asserted that they made impression well-meaning individuals began to think the birth of the prince problematical, while thousands, consulting their prejudices rather than their judgment, held it for an undoubted imposture*. By James this imputation, so injurious to his honour and veracity, was keenly felt : but he scorned to notice it publicly, and contented himself with ordering a day of general thanksgiving, making on the occasion presents to his ministers, entertaining the

* See these absurd reports collected with care by Burnet, in 236—245. Isabella lady Wentworth, who was in attendance, had nevertheless declared to him, " that she was as sure the prince of Wales was the queen's son, as that any of her own children were hers, when out of zeal for the truth and honour of my mistress," said she, " I spake in such terms as modesty would scarce let me speak at another time." Ibid. 368.

populace with fireworks, and giving a considerable sum in charity to the poor*.

Could the king have foreseen the consequences of his contest with the bishops, he had now, by publishing a general pardon on the birth of his son, a fair opportunity of extricating himself without disgrace from that pitiful yet dangerous quarrel. But his high and obstinate temper never knew when to yield, and he risked the very existence of his authority, that he might not be thought to have exercised it in vain. On the appointed day the seven prelates were brought from the Tower June 15. accompanied by several peers and gentlemen: on their approach to Westminster Hall the crowd divided; and as they passed through the lane of spectators, the bystanders begged their blessing, and kissed their hands and garments. After much time had been spent in arguing the objections taken by their counsel, they pleaded not guilty, and were discharged on their own recognizances, the archbishop in 200*l*, the bishops in 100*l* each, to appear again for trial on that day fortnight. As they left the court, they were greeted with loud acclamations; the enthusiasm of the people showed itself by lighting bonfires in the evening and drinking to the seven champions of the church; and their liberation was celebrated as a triumph, though it had in reality been obtained through the very concession which, "by the advice of their wise friends," they had refused to make in presence of the council†.

Neither James nor his advisers could view the public excitement without some feeling of alarm. But the king persuaded himself that he had now advanced too far to recede without disgrace. The royal authority was at

* Baillon, l. i. Jul. Gazette, 245 Dalrymple, 308, 311. The queen's former children had all died of convulsions. The physicians advised that this should be fed with the spoon. The nuncio writes that in place of milk they gave to the principino un alimento chiamato "Watter Ginel," composto di farina di avena, aqua, e zucchero, aggiungendovisi alle volte qualche poco di una passa di Corinto Giugno 22. In August the "watter ginel" was abandoned for a wet nurse. Ellis, Cor. n. 108.

† State Trials, xii. 189—277. Burnet, iii. 221 Echard, 1103.

stake: he must proceed to trial: and then, when the jury had returned their verdict—in his favour he could not doubt—he might withdraw the bishops from punishment and display the generosity of a conqueror to his vanquished foes*. Sunderland, though he had disapproved of the prosecution, lent to it the aid of his counsels and influence; and at the same time improved the opportunity to confirm his hold in the confidence of the king, by professing himself openly, what it had been long known that he was privately, a convert to the church of Rome. That a statesman, so selfish and calculating, should take this important step at such a crisis, excited surprise in every quarter: and the only conclusion to be drawn from it was, that he possessed information which convinced him that, whatever might be the designs and resources of the prince and his adherents, still the royal cause would ultimately triumph†.

June 27.
29. The expectation of the trial drew multitudes from the country to the metropolis. On the 29th of June thirty peers, the friends of the prelates, appeared on the bench with the judges‡: Westminster Hall was crowded with spectators; and an immense concourse of people, agitated by the most impatient anxiety, awaited the result in the open air. Within the court, the officers were unable to maintain the usual forms of decorum. The feelings of the audience burst through every restraint; and repeated cheers of approbation encouraged the wit-

* So d'Adda writes on 9 July, the very day of the trial.

† Bailton, 8 Juillet. Sunderland's eldest son, Lord Spencer, a young man of profligate habits, had been wounded long before in a riot, or a duel, the consequence of a riot, at Bury. He never recovered his health, and was now lying in a very precarious state in Paris, where he had lately become a catholic. On this Bailton remarks, "Cela est regardé comme une chose concertée entre mil Sunderland et lui. Ce qu'il y a de certain est qu'il profit ra de la conversion de son fils." Bail. 21 Mai 2 Juin. The young man died 8 p. 5.

‡ From a letter to the prince of Orange (June 18) we learn, that it was the advice of those who sought to inflame the passions of the people, that "the bishops should deny the jurisdiction of the court, which would anger" extremely, and draw great punishment upon them, and that then the "lords should petition in their behalf." Dalrymple 227. This plan was afterwards abandoned.

nesses and the counsel for the prisoners. Powis the attorney, and Williams the solicitor-general, Shower the recorder, and serjeants Trinder and Baldock appeared for the crown; and against them were arrayed, Pemberton, formerly chief justice, Levinz, Sawyer, Finch, Pollexfen, Tieby, and Somers: a singular arrangement, which gave the defence of the popular cause to Sawyer and Finch, the conductors of all the state prosecutions towards the end of the last reign, and converted Williams, the Whig advocate and former enemy of the duke of York, into a zealous champion of the pretensions of James. This change of parties gave birth to much altercation. Taunts and sarcasms were thrown out and retorted; the counsel reproached each other with maintaining doctrines which they had formerly reprobated; and it required all the authority of Wright, the chief justice, to recall them from personal altercation to the cause before the court. The information charged the prisoners, that they had written and published a seditious libel in the county of Middlesex. The first part, *the writing*, the crown lawyers were compelled to abandon. For though it was shown (but only from the admission of the prelates before the council), that the signatures were in the handwriting of the respective defendants, there was not only no proof that they had signed their names in Middlesex, but Lambeth, where every one knew that the subscription took place, was situate in the county of Surrey. Neither were they at first more successful with respect to the *publication* in Middlesex. That a petition had been presented to the king in that county, was admitted: but that the very petition in question had been presented by the seven prelates could not be proved: and the chief justice had commenced his charge to the jury with the intention of directing an acquittal, when he was imprudently interrupted by Finch, who requested permission to make some additional observations. To the surprise of the court, when the in-

dulgence which he craved had been granted, it was immediately waived: but his opponents had improved the opportunity to send in the interval for lord Sunderland, who deposed that the defendants informed him of their purpose of presenting a petition, that he accordingly introduced them to the king, and that his majesty showed him the petition in question as that which they had put into his hands. This testimony, though subversive of the defence which had been set up, proved to the parties the occasion of a more important victory. Without it the bishops would have been acquitted on the ground of technical informality: after it they obtained an acquittal on the very substance of the charge. Their advocates abandoned the subterfuges on which they had hitherto relied, entered into the real merits of the case, and contended that the bishops had only exercised their right of petitioning for the redress of grievances as British subjects, and their duty of supporting the act of uniformity as its legal guardians; that their petition was not seditious, because it was presented in private; nor false, because the matter of it was true: nor malicious, because it was drawn from them by necessity, and offered to the sovereign with the most innocent intention. But that which chiefly delighted and electrified the audience, was the eagerness with which they discussed the question of the dispensing power, and the eloquence with which they combated the arguments of its advocates.

The judges charged the jury separately. Wright, the chief justice, said, that the question of the dispensing power was not before them: if they believed the petition in the information to be that which the bishops presented to the king, the publication was proved: and, if it were calculated to breed dissension between the king and the people, as in his judgment it was, it must be considered as a libel. He was followed by Halloway, who maintained that the offence consisted in the intention, and that, if the bishops only sought to free themselves from

blame, by stating the reasons why they could not obey, the petition in his judgment could not be a libel. Powell succeeded, who confined himself to the dispensing power. The petition pronounced that power illegal; and would certainly be libellous if the assertion were false. But it was true. He had read of no case in law which showed that the king possessed such power; and thus he knew, that the exercise of it would vest the whole legislative authority in the sovereign, and render parliament unnecessary. Lastly came Allvbone, who said that, for a private individual to pronounce the proceedings of government illegal, whether it was done under the form of a supplication, or petition, or address, was a libel: the reformation of such things belonged not to private persons but to the two houses of parliament. He would not discuss the prerogatives of the king or the privileges of the subject, but he thought, that in the present case those venerable prelates had travelled out of their province, and by declaring the conduct of government illegal, had taken upon themselves more than any individuals ought to do*.

The jury (for it cannot be objected to this misguided prince that he ever made an attempt to pervert the course of justice) had been fairly chosen. Differing in opinion among themselves, they left the court, and spent the night in loud and violent debate. In the morning they returned, and pronounced a verdict of not guilty. It was received with deafening shouts of applause; the enthusiasm communicated itself to the crowd without the hall: it was rapidly propagated to the extremities of the metropolis: thence it reached the neighbouring hamlets, and at length penetrated to the camp at Hounslow-heath, where it is said that the king himself, who

* Of the three puisne judges Halloway and Powell were dismissed at the end of the term (July 6), on account of their charges in favour of the bishops. That this was the true reason of their discharge is evident from the testimony of Barillon, who announced it some time before (*Les deux juges, qui ont voté pour les Evêques seront destitués, mais on laissera achever le terme auparavant. Barillon, 12 Juillet*).

chanced to be dining with the general, lord Feversham, was surprised and alarmed at the acclamations of the soldiers*.

When he had leisure for sober reflection, James did not fail to condemn the rashness which had hurried him into this ill-advised and unsuccessful contest. But if the prejudice which it would offer to his interests forced itself on his attention, he sought to console himself with the consideration of the benefits to be derived from the birth of his son, and the hope that the one would counter-balance the other. But in this he was also disappointed. That birth proved the immediate occasion of his downfall. Thousands had hitherto borne with his misrule under the persuasion that their grievances would be redressed during the expected reign of his daughter and her husband: but now that there was an heir-apparent, who would probably be educated in the faith and principles of his father, instead of ceasing to look forward to the prince of Orange, they fixed their eyes on him with greater earnestness, considering him as the only man whose interference could preserve their liberties and religion. The enemies of James were careful to encourage and propagate this opinion†.

With regard to the prince himself, he had never lost sight of the great object of his ambition. During the

* For this important trial see State Trials, xii. 277—431 475. Burnet, iii. 222—226. Macpherson, i. 266. Ellis Correspondence, ii. 7—12. Clar. Diary, 173, 180. Hist. of Ladies. Connors 53—60. Baillon in his letter gives a long account of it to Louis. He says the joy were divided in the evening, seven against, and five for the bishops. But "la verité est que les juges et les jurés ont été entraînés par le torrent du peuple, et que ce grand concours, qui a paru en faveur des évêques, les a intimidés. La joie et les acclamations ont été fort grandes à Westminster, quand on a su la décision. Il y a eu des boîtes tirées sur la rivière. On fit des feux de joie. La populace brula une représentation du pape." 12 Juillet.

† La naissance du P. de Galles peut apporter un changement considérable, et fortifier le parti de la royauté. Les tuteurs cependant croient être en plus grande nécessité de s'opposer au dessein de sa M. B. et cela peut hâter l'exécution de ce qu'ils veulent entreprendre. Baillon, 21 Juin. Yet, at the same time, Dean Pudeaux writes, "at present we are only hurt" "in imagination, and our greatest torment is our fears of what may after" "happen: but I hope they will prove to be only fears, and nothing else." Ellis Corresp. ii. 48.

months of April and May it was discovered by the French ambassador at the Hague that a swift sailing boat repeatedly brought messengers from England, whose arrival was constantly followed by long and secret consultations. Of these messengers the most important was admiral Russell, afterwards earl of Orford, who sought to draw from William a promise of assistance against some fixed period : and though the result of his mission was kept secret at the moment, it was gradually unfolded by subsequent events. A pamphlet was published in Holland to prove that James was a usurper, because, being a catholic, he could not inherit the English throne : and that the princess of Orange was the rightful sovereign, and ought to have succeeded on the death of her uncle Charles II. The fleet in a complete state of equipment lay in the road of Schoonveldt, ready to sail on the first opportunity, the six British regiments, with the Dutch troops at Utrecht, and the garrisons in Zeeland, received orders to hold themselves in readiness to march at a moment's notice : and it was announced that the princess intended to pay a visit to the States of that province in July, and would be followed in a few days by the prince. As July was the month in which the queen of England expected to be delivered, there could be no doubt of the real object of this arrangement. William meant to show himself on the coast at the head of a considerable force, for the encouragement of his adherents in England, and probably to pass over to their assistance should the birth of a prince furnish occasion to an insurrection. But the child was born a full month before the expected time, an unpropitious event, which broke all these counsels. Nothing more was heard of the visit to Zeeland : and William, in return to a communication from James, despatched Zuylestein a second time to England, with his warm congratulations on so fortunate an occurrence. He could hardly expect to be believed : yet the mission, he trusted, would serve to lull the jealousy of the king ; and, which was equally im-

May
16.

portant, would furnish an opportunity of learning with accuracy the ulterior views, and the probable resources, of his party in England. Zuytlestein was graciously received; but instead of returning immediately to Holland, spent his time in paying visits to his friends, which, while he seemed to have no other object in view but pleasure, gave him the opportunity of conferring in secret with the adherents of his master*.

June
23.

30. In one of these meetings, held at the house of the earl of Shrewsbury, that nobleman, with the earls of Devonshire and Danby, the bishop of London, the lord Lumley, admiral Russell, and Sydney, afterwards earl of Romney†, subscribed in cipher an address to the prince, stating that of the common people nineteen parts out of twenty longed most anxiously for a change; and that the nobility and gentry, though they did not express themselves with equal freedom, were animated with the same sentiments; that, if the prince were to land with a force sufficient to promise protection to his friends, he would in a few days find himself at the head of an army double in number to that of the king, and would see crowds of officers and privates abandon the royal standard for that of religion and liberty; that the present, considering all circumstances, was a most favourable moment for the attempt; and that, if he would engage to land before the end of the year, they, the subscribers, would not only join him themselves, but prepare others to accompany or follow them. One thing, however, they submitted to his most serious consideration. Could he assemble the necessary force without awakening suspicion? For if the design were to transpire, the immediate arrest and incarceration of his friends in England would deprive him of that aid and co-operation on which

* *Lettres de d'Avaux*, du 20 Mai, 3. 10. 24 Juin; 1 Juillet. Burnet iii. 246.

† Sydney was son to Robert, second earl of Leicester, and since his mission to Holland, in 1679, had enjoyed the confidence of the prince. He was the man who formed the association. See Burnet, in 265.

the success of the enterprise must in a great measure depend †.

It is probable that this memorial was transmitted to July the prince by the hands of vice-admiral Herbert, who 10. having been refused permission to leave the kingdom, escaped in the dress of a common sailor. Herbert was a bold and experienced mariner, who had tasted largely of the royal bounty, but had afterwards forfeited the command of a regiment, and the office of master of the robes, on account of his refusal to vote for the repeal of the test act. Russell had delivered to him an invitation from the prince, with the promise of a command in the Dutch fleet: and a strong but fallacious hope was cherished that his name would act as a spell to debauch the English sailors from their allegiance. The fugitive accepted the office of vice admiral of North Holland with a pension of 600*l.*, and William, after a conference with him, forbade the young prince to be named in the prayer for the royal family, openly hinted his suspicion of an imposture, and instructed his dependents in Holland to pronounce the child supposititious. This he did in conformity with the advice of his English associates, as affording him a plausible pretext for coming to England to inquire into the supposed injury done to the rights of his wife: but James resented the omission of his son's name in the prayer as a personal injury; and the prince, who was not yet prepared for an open rupture, ordered it to be restored. What answer he returned to the memorial we know not: the purport of his answer may be collected from his subsequent conduct †.

* See it in Dalrymple, 222, subscribed by 25 24. 27. 29 31. 35. 33. The earl of Nottingham (23) refused to sign, pleading scruples of conscience, which his associates termed suggestions of cowardice. Dalrymple, 232. Nottingham excused himself because "he apprehended no ill consequence, " to religion or the just interests of his highness which a little time would " not effectually remedy, nor could he imagine that the papists were " able to make any further considerable progress." Ibid. 237, July 27. The same had always been the opinion of lord Halifax, with whom the prince continued to correspond, without admitting him to his confidence, or placing any trust in his professions of service. See several letters from Halifax in Dalrymple, 186. 209. 219. 235.

† Baildon, 20 Maus. Dalrymple, 225 D'Avauz, 20 Juil., 10 Août Ellis Cor. n. 160. Burnet, 754. Dalrymple, 293

It was a fortunate circumstance for the prince that the political state of Europe afforded him opportunities, which he dexterously improved, of promoting, and at the same time disguising, his design. That hostility which events had originally engendered between him and the king of France, had subsequently been so far inflamed by mutual acts of provocation, that to humble the pride and reduce the power of Louis seemed for some years to have been his chief study and his ruling passion. In 1686, at his instigation, the emperor, the king of Spain in quality of duke of Burgundy, the king of Sweden in virtue of his dominions in Germany, and several other princes, had subscribed the league of Augsburg, under the specious pretext of maintaining the peace of the empire, but in reality to oppose the pretensions of France¹. The next spring other powers, whose envoys met during the amusements of the carnival at Venice, acceded to the confederacy. More than one-half of Europe was thus engaged to fly to arms on the first aggression on the part of Louis; and with this view, not only the most powerful of the catholic princes, but the pontiff himself, Innocent XI., had entered into bonds of the strictest amity with the prince of Orange. The death of Ferdinand of Bavaria, the elector of Cologne, in May, 1688, put this mighty confederacy in motion. That elector had possessed, besides Cologne, the bishoprics of Liege, Munster, and Hildeshem; his army amounted to twenty thousand men; and in the war of 1672 the co operation of his forces, and the favourable situation of his dominions, had taught the French to prize his friendship, the allies to lament his enmity. Aware of the importance of providing for him a successor attached to the French interest, Louis had prevailed on the chapter to elect as his coadjutor the cardinal of Furstemberg, bishop of Strasburg. But as a qualification for the coadjutorship it was necessary that he should previously resign his bishopric; and the pope, who had not forgotten the

1688.
May
25.

Jan.

* Dumont, vii. par. ii. 130—138.

insults previously heaped upon him by Louis, refused to accept the resignation. The election was therefore null.

On the death of the elector the choice of his successor devolved again to the chapter: Louis proposed the cardinal: the allies of the league of Augsburg the prince Clement of Bavaria, though only seventeen years of age. The former had the majority of voices; but ^{July 9.} two-thirds were required for a valid election; and in default of these the choice devolved to Innocent, who selected the prince of Bavaria. The allies were equally fortunate at Hildesheim, Liege, and Munster: but, though in these places the French candidates were rejected, the principal fortresses, Bonn, Neutz, Keiserswert, and Rhinberg, were held by forces in the service of the cardinal, and consequently at the devotion of France. The armies on both sides were speedily in motion; and Louis, in a passionate manifesto, accused the pontiff of ^{Aug.} violating the laws of justice in favour of Austria, and of ^{27.} encouraging the prince of Orange to expel a catholic king from the throne of England*. William viewed these events as they passed, with the eye of an experienced statesman; he took an active and important part in every negotiation; and, while he silently prepared his expedition against England, pretended to have in view no other object than the defence of the empire and of his own country against the meditated aggression of France. Under cover of this pretence he was able to infuse new vigour into the States-General and the several departments of the government. Orders were issued for ^{July} the encampment of twenty thousand men between Grave and ^{and} Nimeguen; fifty pieces of cannon, with the requi- ^{Aug.} site supply of ammunition, were taken from the arsenals, and placed on flats to be conveyed to the rendezvous of the army; seven thousand men were raised for the naval,

* Dumont, vii. par. ii. 167. There are in Dalrymple two letters from the cardinal d'Estrees at Rome, which, if they are genuine, show that the design of the prince had long been known to Cassini, the papal minister, though concealed by him from the knowledge of the pontiff. Dalrymple, 241.

nine thousand for the military service: twenty-seven ships of war were added to the fleet of forty-four sail already in commission, and the squadron in the Zuider Zee received orders to proceed to the Texel, that it might be prepared to join the other squadrons at Helvoetsluis*.

From the commencement of the year the French and English ambassadors at the Hague had watched with jealousy these proceedings of William, and had communicated their suspicions to their respective sovereigns. Louis at first, uncertain whether the Dutch armament was designed against the king of England or the king of Denmark, proposed to James the junction of the English and French fleets, as a measure of precaution†: afterwards, having obtained more correct intelligence, he warned his English brother of the impending danger by repeated messages from the end of May to the beginning of September; and at last he sent Bonrepaus to convince him of the design of the prince of Orange, to prevail on him to prepare against the invasion, and to offer to him the services of the French fleet‡. But the infatuated monarch was deaf to every admonition. He refused to believe that a daughter, whom he tenderly loved, could ever conspire with her husband to dethrone her father; he concurred in opinion with Sunderland§, that the

Aug.
19.

* D'Avaux, 27, 29 Juil., 10, 20, 21, 31 Août.

† This suggested to Sunderland a new intrigue for the sake of money. At first the proposal was received with an air of indifference; then an answer was given that James would fit out a fleet of twenty sail, provided Louis would defray the expense, and at last the form of a treaty was drawn, by which the king consented to equip the ships for a lower sum than had been previously asked, but under a secret understanding that the pension of Sunderland should be doubled. Louis, however, replied, that Denmark was no longer threatened, and that James must provide for his own security. The fleet was in consequence prepared for sea without any aid from France, and Sunderland obtained no addition to his pension. See Barillon's letters from the 2^d of March to the 2^d of June.

‡ His arrival provoked a report that he came to offer the king the aid of thirty thousand men; but his instructions related solely to the junction of the fleets.

§ D'Adda, 3 Settembre. But while Sunderland endeavoured to persuade the king that there was no reason to believe in the probability of invasion (Dalrymple, 297, d'Adda, *ibid*) he was careful to provide for his own security by assuring the prince, through Admiral Russell, of his "utmost services." Dalrymple, 238.

States would not suffer the prince to employ their naval and military force in a distant expedition, which must leave the country open to the ingress of a French army ; and he gave credit to the concurrent assertions of William and of Van Citters, that their warlike preparations were provoked by the uncertain and menacing state of affairs on the continent. He was even led to suspect that the warnings which he received were in reality so many artifices employed to draw him into an alliance with France before the opening of hostilities in Germany, an alliance most hateful to his subjects, and contrary to the policy which he had hitherto pursued. Skelton the ambassador at Paris saw with pain the incredulity of his sovereign ; he acknowledged to the French minister his conviction that his master was deceived and betrayed ; Aug. 20. and, through his anxiety to avert the catastrophe which he feared, gave his sanction to the following expedient, which nothing but the magnitude and the certainty of the danger could have excused *.

Albeville having by order of James demanded an explanation of the armaments going forward in the ports of the republic, d'Avaux the next day, in a long harangue addressed to the States, enumerated all the warlike preparations made by the stadtholder of his own authority and without the permission or knowledge of their high mightinesses ; and he assured them that his sovereign, being perfectly acquainted with the real object of the prince, had instructed him to let them know that the king of England was the ally of the king of France, and 29. 30

* Il est bien certain que ce grande armement ne peut regarder que l'Angleterre. Cependant le roi d'A. ne demande aucun secours au roi... Enfin il paroit dans une lethargie surprenante. Le roi a fait parler sur cela à M. Skelton, et il paroit par ce qu'il a répondu, qu'il le roi d'A. prétend être sûr de ceux qui commandent ses vaisseaux, mais qu'il n'a nulle sûreté à l'égard des officiers et des troupes de terre... le dit seign Skelton a répondu nettement que cette grande sécurité lui faisoit craindre avec beaucoup de raison que son maître ne fut trahi, qu'il étoit informé des liaisons secrètes que quelques uns de ses principaux ministres avoient avec des gens entièrement dévoués au P. d'Orange, et d'un même en quelque manière designé myl Sunderland. Seignelay à Bonrepius, 31 Août. For the source of Skelton's information see Dalrymple, Hist. i. 201. note.

that the first act of hostility committed against the former would be taken by the latter as a declaration of war. The same message was delivered at the same time to the Spanish governor of the Netherlands, and the marshal d'Humieres hastened from Paris to assume the command of the French army in Flanders*.

If any thing could have saved James from his impending fate, it was this declaration. The confidential friends of William heard it with feelings of shame and dismay, and a messenger was despatched to recall him Sept 1. from Minden, where he was in close consultation with his German allies, who engaged to supply him with 15,000 auxiliaries, undoubtedly intended to supply the place of the men who should accompany him to England†. But the English king proved his own enemy. He was not yet convinced that the armaments in Holland were designed against himself‡: his pride was offended that Louis without solicitation should take him under protection, as if he were a petty prince of the empire: and he feared that the bold but unfounded assertion of d'Avaux would persuade his subjects that Le

* "Sa majesté m'a commandé de vous déclarer de sa part que les haïsons d'amitié et d'alliance qu'elle a avec le roi de la G. B. l'obligent non seulement à le secourir, mais encore à regarder comme une infraction manifeste de la paix et comme une rupture ouverte contre sa couronne le premier acte d'hostilité, qui se fera par vos troupes, ou vos vaisseaux, contre sa majesté Britannique." See also the letters of Louis to d'Avaux, 2 Sept., and Hamilton, 3 Sept.

† Dalrymple 255. William was content with informing James, that the object of his visit to Minden was to confer with some of the German princes (Ibid. 294) but Mary, who scrupled not to deceive her father, that she might prevent him from discovering the design of her husband, assured him that the sole object of the prince was to hasten the advance of his German allies to the Rhine, that they might be ready to oppose the French army. Warl 16 Oct.

‡ Though Louis repeatedly complained of the stupidity, the 'lethargy' of his English brother, James persisted in thinking that the preparations in Holland were in reality designed against France. That he was wrong, the event has proved—but we are not to condemn him too severely, for Louis himself was, at times at least, of the same opinion. That monarch in a letter to d'Avaux of the 30th Sept. N. S., expresses his doubts on the subject, and in a second of Oct. 7, his conviction that the preparations are designed against himself. He had that morning resolved to declare war, but something had since happened to raise new doubts, and he would therefore wait the event.... "il n'y a plus qu'à attendre l'événement." This appears to me to be the real meaning of his letter.

had entered into a secret alliance with France, a charge which he had always denied. To add to his embarrassment Van Citters, the Dutch, and Ronquillo, the Spanish ambassador, complained of the deception which had been practised upon them, asked for some explanation of the secret treaties between the two kings, and justified the armaments in Holland from the danger to which the States were exposed by the union of James with their inveterate foe, the French monarch. The king replied with warmth that he was not a cardinal of Furstemberg, to seek protection under the wings of a foreign prince; that from the commencement of his reign to that hour he had entered into no engagement whatever with Louis, and that Skelton had acted without instructions, and should suffer for his presumption. In effect, he recalled that minister, and committed him to the Tower *. Sept 17.

But what, it may be asked, was the real object of Louis: the safety of the English king, or some private interest of his own? If we consider that he had even then determined to make war on the emperor, that his plan of operations was already arranged, and that his numerous forces were already put in motion, it will not be unfair to suspect that he chiefly sought under the cover of this declaration to conceal his real purpose from the knowledge of the neighbouring powers. Within a fortnight the mask was thrown away. The French armies hastened from every quarter towards the Rhine; Philipsburgh was invested by the Dauphin, and war was proclaimed against the emperor and empire, with an intimation that the king still intended to observe the peace with Holland, and the truce of twenty years with Spain. Never was intelligence more welcome to the prince of Orange. The removal of the French force and the pacific intimation of Louis left him at liberty to pursue his own design against James; and the relief afforded to the anxiety of the Hollanders was manifested by an imme-

* Baillon, 16 18 20 23. 25. 27. 30 Sept D'Avaux, 18. 21. 24 27 Sept
M 2

diate rise of ten per cent. in the price of the public securities*.

In England the effect was very different. A new light burst on the affrighted monarch, who at last saw the danger which threatened him, in all its magnitude and proximity. The friendship of Louis had proved a broken reed; and the security, which he derived from the position of the French force on the Dutch frontier, had unexpectedly vanished. 1. The council assembled, and orders were sent to Albeville to assure the States Sept. 26. that no treaty existed between England and France but such as had been published; that James looked on the siege of Philipsburgh as a violation of the truce of twenty years, and that he was ready, as a guarantee of that truce and of the peace of Nimeguen, to join his forces with those of Spain and the States for the preservation of the peace of Europe†. It was hoped that this overture would operate as a lure on the States and their allies; that it would lead at least to delay and negotiation; and would deter the Dutch government from lending their naval and military force to the prince, when every national object might thus be obtained with less danger and at a cheaper rate. Eight days elapsed before an answer was returned, during which William visited the deputies separately, explained to them his views and resources, and prevailed on them to believe that his intended expedition was necessary for the safety of their religion, and the independence of their country. At last Oct. 4 a formal reply was made, at once illusory and insulting; illusory as it took no notice of the offer put forward by

* Dumont, vii. par II. 160. D'Avaux, 27 Sept., 7 Oct. Bailillon, 25 Sept. Burnet, iii. 254. Negotiations de d'Avaux, vi. 134-137. "To that minister Louis excuses his conduct in these words: "Je ne doute pas que la prise des principales places de Flandres n'eût donné plus d'appprovisionnement aux Etats généraux que celle de Philipsburg . . . mais la nécessité de prévenir les mauvais desseins de la cour de Vienne ne m'a pas laissé d'autre parti à choisir que celui que j'ai pris" 14 Oct. In another letter to Bailillon he enters into more particulars. 13 Oct.

† Mémoire présenté par le marquis d'Albyville du 5 Oct. D'Avaux, 5, 7 Oct. Bailillon, 3, 7 Oct. Kennet, 489.

James, and insulting inasmuch as it intimated an inclination on the part of the States to restore confidence between the king and his subjects by procuring security for the religion and liberties of the English nation*.

2. But James did not wait for this answer. The impolicy of his past misrule now flashed on his mind; he hastened to repair his former errors, and hoped by retracing his steps to recover the confidence of his subjects. Scarcely a day passed which was not marked by some new concession, granted with apparent cheerfulness, but in reality wrung from him by the necessity of his situation. He condescended to solicit the advice and aid of the bishops, whom he had so lately prosecuted, he ordered the deputy lieutenants and the magistrates, who had been removed for their answers to the three questions, to be immediately restored; he announced by proclamation the design of invasion by the prince of Orange, his own intention of refusing foreign assistance, and of relying on the loyalty of his people, and the necessity of revoking in such circumstances the writs which he had issued for the meeting of parliament in November†; the bishop of London was restored to the exercise of his episcopal jurisdiction; at the suggestion of Jeffreys the old charter was given back to the city; the advice offered by the prelates under ten heads was graciously and thankfully received‡; the dissolution of the eccle-

* Resolution des Etats du 14 Oct. D'Avaux, 14, 18 Oct.

† Several councils had been held about the end of August, in which Sunderland advised, Jeffreys opposed, the calling of a new parliament. Sunderland prevailed. His great argument was, that to prepare for the meeting of parliament the discontented would cease from their intrigues with the prince. He proposed that an attempt should be made to repeal the test act and the penal laws, leaving the oaths of allegiance and supremacy as qualifications for a seat in the house of commons; and thought that this measure might be carried, if the king would create a certain number of new peers, and order all officers under government to exert their influence in its favour. D'Adda, 16, Luglio, 3, 10 Settembre Ellis (corresp. 11, 144

‡ Of these ten heads, the following were not immediately adopted. That he should recall all dispensations, should forbid catholics to teach schools, should inhibit the Romish bishops from further invasion of episcopal jurisdiction, should fill the vacant bishoprics, and above all should

- Oct. siastical commission was followed by the restoration of
 12. Dr. Hough and the fellows of Magdalen college*; the
 17. cities and boroughs recovered their ancient privileges, and a general pardon was published with the exception by name of certain persons, almost all of whom were actually serving under the prince of Orange. These were concessions of great importance: particularly that which by restoring the election of representatives to those persons in whom it formerly resided, took away the chief pretext set forward by William, the necessity of procuring a free parliament. A deputation from the citizens waited on the king to express their gratitude: and the recovery of the charter was celebrated with the usual demonstrations of public joy: the dukes of Somerset, Ormond, and Newcastle, the marquess of Winchester, the earls of Derby, Nottingham, and Danby, the bishop of London, and several others, either in person or by letter, assured him of their fidelity: and the prelates adopted a general form of prayer for the safety and prosperity of the royal family. But in all this there was much of deception and perfidy. Most of these peers and three of the bishops had already pledged their services to William. Their protestations of loyalty were wrung from them by the fear of being taken into custody upon suspicion before the arrival of the Dutch armament; and, if they sought in this manner to blind James by the profession of attachment to his person, they were careful at the same time to inform the people by their emissaries, that it was not to him but to the prince that they owed the benefit of the recent concessions; a benefit which would not be of long continuance,

allow the prelates to offer to him such arguments as might lead him back to the established church.

* As some delay took place, a report was circulated, ascribing it to a change in the royal purpose, on account of the arrival of good news from Holland. Many from that moment refused to place any faith in the king's word, but James assured the archbishop that the delay was owing entirely to the negligence of the bishop of Winchester. (Clar. Corresp. ii. 493.) That such was the case, appears from Marphettson's Orig. Pap. i. 271-274. Sydney College was also restored. Jam. ii. 190.

if it were left to depend on the pleasure of the king : it had been extorted from him by fear, it would be resumed on the return of confidence *.

3. At the same time James made every exertion to augment his naval and military force. He gave the command of the fleet, which consisted of thirty-seven men-of-war and seventeen fire-ships, to the earl of Dartmouth, an old and trusty adherent, with instructions to station himself off the Gun-fleet, to watch the motions of the enemy, and to aim chiefly at the destruction of the transports. The army, by the levy of new regiments and independent companies, and the arrival of six thousand five hundred men in detachments from Scotland and Ireland, was raised to the amount of forty thousand men†. The command was taken by lord Feversham, the same who had opposed the duke of Monmouth, aided by his brother, the count de Roze, an officer of greater talent, and longer experience. The fleet was much inferior to that of the prince, but the king believed that he might rely with confidence on the devotion of the sailors : in military force, as far as regarded number, he was plainly superior, but all acknowledged that the fidelity of both officers and men was very problematical.

In the mean while it had been determined in the councils of William to rest the defence of the intended expedition on two grounds, the necessity of inquiring into the birth of the nominal prince of Wales, that the descent of the crown might be preserved in the royal family, and of procuring a free parliament, that an end might be put to the dissension between the king and the

* Gazette, 2384, et seq. Clarendon's Diary, 190. Bishop of Rochester's Second Letter 30, 44. Echard, 1113 Kennet, 489, 491 Barillon, 4, 14, 18 25, 28 Oct ; 1 Nov.

† On the 19th of August it consisted of thirteen regiments of cavalry and nineteen of infantry, or six thousand and fifty horse, and thirteen thousand four hundred and twenty foot. The regular force in Ireland amounted to seven thousand and sixty, in Scotland to two thousand three hundred and sixteen men.

people. With this view was published a long and bitter invective against James in the form of a memorial supposed to be presented by the protestants of England to the States, but composed under that name at the Hague by Dr. Burnet*, who seems to have readily sacrificed the interests of truth to the pleasure of his patron and the gratification of his revenge. It begins with a copious enumeration of the liberties confirmed by law to the freemen of England, and of the instances in which they had been violated by the despotism of James. It then maintains that the right of succession must for the sake of public tranquillity be placed beyond the reach of suspicion; that it is the duty of the reigning prince to establish by convincing evidence the pregnancy of his wife and the birth of his children, not by the testimony of servants or physicians, or men holding office at pleasure, but of persons interested in the succession, or individuals having nothing to hope or to fear from the friendship or hatred of the monarch. This is prescribed by law, and reason, and custom: where this is observed, no fraud can be practised; where it is neglected, fraud may be inferred. It next strings together a multitude of circumstances regarding the birth of the prince, some real, many fictitious, which accord not with the preceding doctrine, and from them it draws a strong presumption that the queen's pregnancy was a pretence, and her delivery an imposture. In conclusion, the supposed memorialists are made to pray that William would take under his protection the rights of the crown and of the people, and that he would not suffer the claim of his wife to be set aside without inquiry, nor the liberties of the nation to be sacrificed to popery and arbitrary power. So much importance was attached to this false and insidious publication, that the prince took with him eighty thousand copies to England†.

* Personne ne doute que ce ne soit le docteur Burnet qui n'ait rédigé ce mémoire. D'AVANX, 1 Nov.

† Dumont, vii. par. 11. p. 179. 198. D'AVANX, 28 Oct.

With this memorial were also printed two declarations, addressed in the name of William to the people of England and Scotland. Assuming that his interest in their welfare imposes on him the duty of protecting their civil and religious liberties, he describes the despotism under which they groan, the injuries offered to the protestant church, and his suspicion of imposture in the birth of the young prince. To the Scots he declares his intention of establishing their rights and religion by parliament on so firm a basis that they may stand unimpaired for ever; to the English that, if he come with an armed force, it is only for the protection of his own person: that his object is to obtain a free parliament by the restoration of the ancient charters, and the re-appointment of the former magistrates, and then to refer to that parliament the inquiry into the legitimacy of the king's supposed son, the redress of grievances, the security of the protestant religion, the comprehension of dissenters within the pale of the church, and the protection and tranquillity of all other religionists willing to live as good subjects in due obedience to the laws*.

But, besides the people of England and Scotland, there remained others, whom it was incumbent on him to persuade of the rectitude of his intentions, the catholic princes, his allies, who might be provoked to withdraw from the confederacy, if they found that he abused the benefit of their friendship to undertake a crusade for the dethronement of a catholic sovereign on account of his religion. He wrote to the emperor and the king of Spain, informing them that his voyage to England

Sept.
30.Oct.
14.

* Dumont, *ibid.* 198-205. Several draughts of a declaration had been sent from England, out of which one was composed by Engel, and afterwards amended by Burnet. Burnet, *iii.* 286. A fortnight later it was known that the king by his concessions had anticipated the demands of the prince, and on Oct. 14, a postscript was added, stating that James had not disclaimed his pretensions to arbitrary power, and would revoke these concessions whenever he dared. The only remedy was a declaration of the rights of the subject, wherefore William would leave all things to the decision of a free parliament. The king ordered both to be reprinted for circulation, 'with a short preface and some modest remarks,' published by Randal Taylor, near Stationers' Hall, *mdclxxxviii*.

was undertaken at the request of the English nobility, and for the purpose of effecting a reconciliation between the king and his subjects; that he should take with him a small military force, both infantry and cavalry, but solely for the protection of his person; that he had no intention of offering injury to the king or the rightful heirs, much less of advancing any claim to the throne, or of occupying it himself; that he hoped, by establishing the rights and religion of the people on their former basis, to restore tranquility, and enable the British nation to concur in the common cause of Christendom; and that, in his attempt to effect this object, he would employ all his credit and authority to secure to the English catholics liberty of conscience, and freedom from persecution*.

Such pretences might impose on the ignorance of monarchs living at a distance: but it required no small share of credulity in persons residing on the spot, with the evidence of such mighty preparations before their eyes, to believe that the prince confined his views to the disinterested task of mediating between James and his subjects: yet the States-General were seduced to give to the falsehood the sanction of their authority, and in a circular letter, transmitted to all the foreign envoys at the Hague, with the exception of d'Avaux and d'Albeville, they stated that a well-grounded apprehension of the hostility of the king of England, should he succeed in trampling down the liberties of his people, had led them to assent to the request of the prince of Orange, and to lend him a few ships and men as auxiliaries, being assured that he had no design of invading the realm, or of dethroning his uncle, or of persecuting the catholics, but only of procuring a free parliament, in which liberty and religion might be secured by just and salutary laws†. The history of diplomacy is in a great mea-

* Dalrymple, 255. Neg. du comte d'Avaux, vi. 157, Supplément à la Correspondence de M. d'Avaux, vol. 147.

† Dumont, vii. part ii. 203.

sure made up of attempts to beguile and to mislead : but never perhaps was positive falsehood so boldly and unblushingly put forward, as in these memorials of the prince and of the States.

William had originally fixed on the first full moon after the equinox for the sailing of the expedition. Having reviewed the army near Nimeguen, he ordered one portion to fall down the river to Rotterdam, and the other to follow the course of the Yssel to Campen. The canals and rivers were immediately covered with craft of every description, and boats carrying men, horses, arms, and ammunition poured from every outlet, and hastened to the two great divisions of the fleet in the Zuider Zee, and the mouth of the Meuse. When these had united they formed an armament worthy of the splendid prize to which the adventurer covertly aspired. Sixty men-of-war took under their protection seven hundred sail of transports : the force which he had collected, "solely for the protection of his person," amounted to four thousand five hundred cavalry and eleven thousand infantry ; and an immense supply of military equipments revealed his expectation of a numerous reinforcement. He also took with him marshal Schomberg, the count of Nassau, the count of Solms, general Ginkle, and the best officers in the Dutch service ; the earl of Macclesfield, Burnet, Peyton, Wildman, Ferguson, and the other British exiles ; eight hundred French refugees, and the many Englishmen who had recently come to join him in Holland. Of the latter the most distinguished were the earl of Shrewsbury, who, having raised 40,000*l.* on mortgage, had offered the money with his sword to the prince, lord Wiltshire and his brother, sons of the marquess of Winchester, the lord Eland, son to the marquess of Halifax, lord Dunblaine, son to the earl of Danby, the lords Lorn and Mordaunt, and the two naval officers Herbert and Russell.

It chanced, however, that a few days before the appointed time a strong wind arose, veered from south

- Sept. to west, and blew with such violence, that the fleet,
 28. which had put to sea under the command of Herbert, was compelled to seek shelter at Helvoetsluys. The States ordered public prayers for more favourable weather; but, though the churches were crowded with supphants, heaven appeared deaf to their petitions. For more than a fortnight the storm continued to rage with the exception of a few short intermissions: by the soldiers and mariners its duration was deemed a proof of the divine displeasure; and to check the spread of this superstitious but dangerous alarm, it was found necessary to prohibit under severe penalties the use of
 Oct. ominous or discouraging language*. At last the vio-
 13. lence of the wind abated, and William took leave of the
 15. States in a solemn and public audience. He thanked them for their kindness to him from his childhood, and assured them of his gratitude. Their confidence in him at the present time was unbounded; and he prayed that God might blast all his projects, if he did not make them an adequate return. He was departing on a foreign expedition, not to dispossess others of their rights, but to establish religion on a secure and permanent basis. Whatever might be his fate, he recommended the princess to their protection: and of this he prayed them to be assured, that if he fell, he should fall their servant, and if he lived, he would live their friend. The task of answering him was committed to his trusty adherent, the pensionary Fagel, whom age and infirmities had brought to the brink of the grave. The States, he replied (such confidence did they repose in the wisdom and patriotism of the prince), had placed their army, their navy, and their treasure in his hands; they had ordered a solemn fast to be observed through the seven provinces for the success of his arms; and they earnestly prayed that God would render him the deliverer and protector of the protestant faith. One

* D'AVAUX, 8. 11 14, 15 18, 19, 21, 22 Oct. Negotiations, vi 142, 150.

thing only they begged of him in return, that he would not unnecessarily expose his person. The loss of him would be to them a greater calamity than the loss of both army and navy. At these words the old man burst into tears, and his emotion impeded his utterance. On the spectators the scene made a deep impression: but the prince exhibited no change of countenance. His friends affected to admire his firmness and magnanimity: others charged him with a selfish apathy, an indifference to every object except his own interest*.

The fast-day was celebrated at the Hague with extra-ordinary solemnity, and the service of three long sermons, separated by prayers of equal duration, was protracted from ten and a half in the morning till half past seven in the afternoon. During the whole time the princess attended in the great church, and bore without shrinking the gaze of an immense multitude. Hers, indeed, was a most singular situation. She could not pray for the success of her husband, without praying for the dethronement of her father. But, whatever passed within her breast, whether she looked with sorrow on the calamities which threatened her parent, or flattered her own vanity with the near prospect of a crown, she was able to disguise her feelings. Mary listened to the preachers, and joined in the prayers, with as much apparent tranquillity, as if she had nothing to hope or fear from the result†.

On the afternoon of the 19th of October the expedition sailed from Helvoetsluys, the men-of-war in three divisions forming a line out at sea, and the transports taking their allotted stations between that line and the shore. It blew a steady breeze from the south-west; scarcely a cloud obscured the heavens; and, as the fleet passed by Scheveling towards the north, the whole popu-

* D'Avaux, 28 Oct. *Negotiations*, vi. 153. Ellis *Correspondence*, ii. 251. Burnet, iii. 297.

† D'Avaux, *ibid.* The Spanish ambassador ordered a solemn high mass to be performed in his chapel for the same object. *Ibid.*

lation of the Hague rushed to the shore, to view the proud and animating spectacle. Little did William anticipate the contrast exhibited on the following day. It was his intention to proceed to a certain distance, and then alter his course for the coast of Yorkshire, where he was expected by the earl of Danby ; but about ten in the evening the wind suddenly changed to the west, and by midnight the storm had dispersed the fleet in every direction. The next morning the prince regained his former anchorage with about sixty sail : of the others some rode out the tempest, while the rest sought shelter in the different roads and havens. When, however, the extent of the loss could be ascertained, it proved much less than had been expected. Only a few ships had foundered ; but all were damaged, a thousand horses had perished through want of air, and an immense quantity of stores had been damaged or thrown overboard. William immediately solicited fresh supplies from the States ; but refused to quit the fleet, urging the repairs by his own presence, and restraining by his authority the spirit of disaffection and mutiny, which began to manifest itself among the military *.

This event afforded a new respite to James. Many of his friends had complained, many had even considered it as a proof of treachery in his advisers, that during the preceding period of suspense and suspicion, no one had been taken to interrupt the communication between the discontented in England and the prince in Holland. Even now that their object was openly avowed, that the individuals in the secret were pointed out by public report, they were neither molested nor restrained. In former times, on the first apprehension of the arrival of a foreign enemy, it had been the practice to require from suspected persons security for their loyalty, or to commit them to safe custody : but, in defiance of the strong re-

* D'Avaux, 1, 2, 4, 8, 9 Nov. See also "An Exact Diary of the late Expedition by a Minister, Chaplain in the Army. London 1699." The minister's description of this storm is sufficiently ludicrous.

monstrances of Melfort, James was dissuaded from following the precedent by Sunderland, who maintained that such arrests would be productive of little benefit, and yet add considerably to the public discontent. The only precaution which the king condescended to take, was one which cost his pride a severe struggle, but which he deemed necessary to refute the charge made in the pretended memorial of the English protestants, and to place the birth of his son beyond the reach of cavil in the event of his own death. By his order the privy council, the peers residing in the vicinity of the capital, the judges, the lord mayor and aldermen, and the law officers of the crown, were summoned to Whitehall; and before them he introduced, for the purpose of detailing the particulars of the queen's delivery, every person present on that occasion, namely, the queen dowager, two-and-twenty females, some of them menial servants, others ladies of the highest rank, and nineteen noblemen, gentlemen, and physicians. The depositions of all, with the exception of the queen dowager, were taken upon oath, confirmed by them the next day, and enrolled in Chancery; and formed altogether a mass of evidence which it is impossible for any unprejudiced mind to resist*. The enemies of the king, however, were not slow to object, that the person the most interested in the succession, the princess Anne, had not been present either at the delivery or at the investigation: but the fact is, that her absence on both occasions had been of her own choice: she had gone to Bath that she might not assist at the birth, and had refused to attend the council under the pretended fear of a miscarriage. On this account the council waited on her with a copy of the evidence, to whom she replied, "My lords, this was not necessary: "the king's word is more to me than all these depositions:" and yet we are assured by her uncle, Claren-

Oct
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* Barillon, l. 11 Nov. "The several declarations, &c. made in council "on Monday, Oct 22 1688, concerning the birth of the prince of Wales." James, ii. 196-203 Clarendon's Diary, 196

don, that she was at that very time in the daily habit of making the birth of her brother a subject of doubt and sarcasm*.

This was the last measure which marked the administration of Sunderland. His reign, as well as that of his supporter, father Petre, was at an end. The charges of perfidy, formerly made against him, he had successfully rebutted by his protestations and reasoning: and by his open profession of the catholic faith on the birth of the prince, he had fixed himself more firmly than ever in the confidence of James, who believed that by this step the minister had bound up his own fortune with that of his sovereign†. But his opponents continued to cherish the same suspicion of his fidelity, and the same objections to his policy; and they took advantage of this season of alarm to represent to the king, that the counsels which had brought his throne into danger originally emanated from Sunderland, and from Petre the dupe of Sunderland, from the one through considerations of interest, if not of treachery, from the other through credulity and religious zeal; that all their promises and predictions had been falsified by the course of events: that the presence of Petre at his councils still shocked the feelings

* "Mad la princesse de Danemark n'étoit pas à l'accouchement de la reine d'A. elle étoit encore aux bains. C'est une honte qu'on a faite en ce temps là de ne l'avoir pas empêchée d'y aller. Je suis qu'on en a fait une de venir déposer de la grossesse de la reine, mais elle s'en est excusée sur ce qu'elle n'ose sortir de sa chambre ni peut de se bleser, croyant elle même être grosse. Cette excuse est une affectation pour ne se point expliquer sur une matière si importante. La vérité est qu'elle favorise le parti du P. d'Orange, autant qu'elle l'ose faire, sans se déclarer ouvertement. et je suis que jusqu'à présent elle n'a pas dit un mot au roi, ou à la reine, sur l'entreprise du P. d'Orange, quoique ils en aient souvent parlé en sa présence." Baillon, 4 Nov. That Baillon was correct is evident from the diary of Clarendon, in which we find that, as often as he wished to talk with her on public affairs, she evaded the subject. (Diary, Sep 23-27-29, Oct. 21, 23.) As to her excuse of pregnancy, it was a falsehood, as her husband the prince George told Clarendon. "This startled me," he says, "good God, bless us! nothing but lying and dissimulation in the world." Diary, p. 216.

† Baillon, 2 Juillet. "Ce que vient de faire ce ministre donne un nouvel éclat à sa faveur, et augmente beaucoup, son crédit. . . il a voulu fermer la bouche à ses ennemis, et leur ôter tout prétexte de dire, qu'il put entretenir quelque ménagement dans sa conduite pour le parti de M. le P. d'Orange." Ibid.

of his protestant subjects, and that the confidence which he reposed in a minister generally reputed a traitor, chilled the ardour, and paralyzed the efforts, of his most devoted adherents. Overcome by their importunity, Oct. James declared that Petre should from that day cease to 22. take his place at the board, and soon afterwards sent for 27. the seals of office from Sunderland, not, he assured him, from any doubt of his loyalty, but through the necessity of complying with the demands of others. Petre obeyed, but still remained at Whitehall in his post of clerk of the closet * : Sunderland withdrew to Windsor, where he affected to consider himself a martyr in the cause of that religion which he had lately embraced : but probably consoled himself with the hope that what had caused his removal from the councils of the king would operate as a proof of merit in the estimation of the prince †.

To Sunderland, as secretary for the southern department, succeeded the earl of Middleton, and to Middleton as secretary for the northern department the lord Preston, both protestants, known to be strongly attached to the person of the king, and as warmly opposed to the reckless, headlong course which he had previously pursued. Their first advice was that he should prepare an answer to William's declaration, and with that view should call upon the peers and prelates in the capital, to admit or deny the truth of the passage which stated, that the prince had " been invited to England by divers lords, " both spiritual and temporal." Among others Halifax, Nottingham, Clarendon, Pembroke, and Burlington declared on their honour that they were ignorant of any such invitation : and it is probable that they could make the assertion with truth ; for, though all had corre-

* Of Petre it was asserted in 1690 by one who knew him well, that he accepted the honours forced upon him with reluctance and regret, and that he had repeatedly on his knees solicited permission of the king to withdraw from court into private life. " Non semel, et quidem de genibus, supplicavit ut sibi liceret, bonâ regis veniâ, ab aulâ et rebus gerendis se abducere " Oliver Collect 150.

† Barillon, 6 9 Nov. James, ii 203, 4. See note D

sponded with the prince, and though the first two were deeply engaged in his interest, yet none of them enjoyed the confidence of his more trusty associates. Of the prelates, the archbishop, with the bishops of Durham, Chester, and St. David's, returned an express denial; Nov. but the bishop of London, whose name is subscribed to

1. the original invitation, replied in more evasive language,
2. "I am confident the rest of the bishops will as readily answer in the negative as myself*." Whether the king noticed the subterfuge is uncertain: but it was his interest to take it in a favourable sense; and he requested to have the denial in writing, that he might send it for signature to the other prelates, adding that it would be well to add also their disapprobation of the expedition itself. This unexpected demand disconcerted them: they were not prepared; they asked time to consult together, and, though James sought by messages to quicken their tardiness, did not return with their answer, before
6. it was known that the Dutch fleet had passed the straits of Dover, and was actually steering down the Channel. Then they begged to be excused; but their reasons were too weak, too unsatisfactory, to disguise their real motive, either a secret approbation of the design, or a fear of incurring the displeasure of the prince. James could not control his feelings. "If ever," says the bishop of Rochester, "in all my life I saw him more than ordinary vehement in speech, and transported in his expressions, it was on this occasion†."

* See *Clar. Consp.* 11 App. 494, 503.

† See *Clar. Diary*, 199—201. *Clar. Cor.* 11, App. 493—504. Bishop of Rochester's Second Letter, 44—49. James (*Memoirs*), 210, 211. Macpherson, *Papers*, i. 276—279. The reasons, with which they sought to colour their refusal, were the following: 1°. He was satisfied of their innocence: this was enough, why should they seek to satisfy others by a public declaration? 2°. There was no proof that the manifesto of the prince was authentic: it was therefore beneath them to give to it importance by noticing it. 3°. They had already suffered for meddling with secular matters: the declaration required from them might hereafter be deemed a libel. 4°. They were peers: no declaration had been demanded from temporal peers, why was it demanded from them? 5°. They would do their duty. As bishops they would pray for him, as peers would speak their minds in parliament. It is not surprising that reasons so unsatis-

William had again sailed from Helvoetsluis in pursuit Nov. of the English crown. By friends and foes it was be- 1.
lieved that he intended to land on the coast of Yorkshire;
but, having steered for twelve hours to the north, he 2.
changed his course, and availing himself of a favourable
wind, passed without opposition the royal fleet in the 3.
Downs, and in two days reached Torbay, his real des- 5.
tination *. James was surprised and confounded: he
had relied on the zeal and promptitude of lord Dart-
mouth, and was at a loss to account for the inactivity of
that officer. But the same wind, which was favourable
to the prince, was adverse to Dartmouth. His cruisers
had been driven back by the violence of the gale; and
his fleet, having been compelled to strike the yards and
topmasts, rode at anchor abreast of the Long-sand, at the
very time when the hostile armament passed at the
distance of a few miles. Twenty-four hours elapsed
before he could commence the pursuit, and from that he
afterwards desisted on the representation of his officers,
that to attack the Dutch, after the transports were safe
in harbour, would expose the fleet to destruction in an
unequal contest. By many of the royalists the tardiness-
of the admiral was attributed to disaffection or fear: but
James, though doubts and misgivings harassed his mind, 9.
was too just to condemn an old friend without hearing
his defence, and too prudent to hint suspicion, when that
hint might provoke the very disloyalty which he feared.
He assured Dartmouth that he acquitted him of all
blame: every seaman must be convinced that he had
done as much as man could do in opposition to wind and
weather; all that remained was for him to be constantly
on the watch, and to avail himself of every advantage
which accident might offer †.

factory should provoke some expression of displeasure. The archbishop, however, sent an answer under his own hand "that he had never invited the prince by word, writing, or otherwise, nor did he know, nor could he believe, that any of the other bishops had done so." Ibid

* Exact Diary, 28-38. Burnet, iii. 309.

† Dalrymple, 314, 315, 319, 325. James (Memoirs), ii. 206, 207

To oppose the prince by land he resolved to collect his army in the neighbourhood of Salisbury. Louis by repeated messages had advised him to march in person, and to offer battle to the invaders, a measure which, by bringing the contest to an issue before the spirit of disaffection had spread among his troops, might perhaps have saved his crown. The earl of Feversham and the count de Roze disapproved of this counsel, and urged him to occupy a situation at a less distance from London, so that he might watch the motions of the enemy without losing sight of the capital *. On the other hand father Petre conjured him not to leave Westminster. This was the great error committed by his father, an error which cost him both his crown and his life. Let him look at the state of the metropolis. his presence did not prevent

Oct. 7. the populace from demolishing the catholic chapels: who then in his absence would answer for the lives of his wife and his son? But Petre was thought to speak from interested motives—for the populace had repeatedly called for his blood—and James, adhering to his own opinion, ordered twenty battalions of infantry and thirty squadrons of cavalry to march towards Salisbury and Marlborough. Six squadrons and six battalions were left to maintain tranquillity in the capital †.

The prince, though he had been permitted to land without opposition, did not meet with the reception which he had been taught to expect. At his approach to

Nov. 8. Exeter the bishop and dean fled from the city; the clergy and corporation remained passive spectators of his entry: though the populace applauded, no addresses of congratulation, no public demonstrations of joy were made by the respectable citizens; the inhabitants of the county, who had not forgotten the terrible lesson taught by Jeffreys, remained quiet at their homes, the canons refused to assist at the *Te Deum* ordered to be chanted

* They did not deem the English army equal to a contest with veteran soldiers. "On ignore ici jusqu'aux moindres règles de la guerre, et hors quelques officiers qui ont servi en France et Hollande, le reste n'a pas les notions nécessaires du métier de la guerre." Bailion, 9 Dec.

† Bailion, 18 22. 25 Nov.

in the cathedral, and the very choristers, when Dr. Burnet began to read the declaration of the prince, withdrew from the church. Lord Lovelace, indeed, who had visited him in Holland, and returned before him to England, had collected a body of sixty or one hundred horse-men, with the intention of joining the army at Exeter, but he was attacked, defeated, and taken prisoner by the militia near Cirencester. William was disappointed; he complained that he had been deceived and betrayed; he threatened to re-embark, and to leave his recreant associates to the vengeance of their sovereign. Still, however, his hopes were kept alive by the successive arrival of a few stragglers from a distance: in a short time they were raised almost to assurance of success by the perfidy of lord Cornbury, son of the earl of Clarendon*.

Soon after the invitation sent to the prince, a secret association in his favour had been formed among the officers of the army encamped on Hounslow-heath, and a communication established between them and the club at the Rose Tavern in Covent-garden, of which lord Colchester was the chairman. That lord Churchill, who held the rank of lieutenant-general, was acquainted with their counsels, can hardly be doubted. On the arrival of the prince in Torbay, he stationed at Salisbury three regiments of cavalry, commanded, in the absence of their colonels, by three of the "associated" officers. Of these Cornbury was the senior; and he, having arranged the plan with his accomplices, and ordered the whole division to march at an early hour in the morning, led them by a circuitous and unfrequented route to Axminster, near the advanced posts of the invading army. After a day's repose, the men were ordered to remount, for the purpose of beating up the quarters of the enemy at Honiton during the night. But hints of the design had been whispered; Cornbury was requested to exhibit his orders; and on his refusal was so terrified by the

* James (Memoirs), ii. 215. Burnet, iii. 313. Exact Diary, 48. Ellis Correspond. ii. 295.

threats of the loyal officers, that he stole away and escaped to the enemy, while his regiment, and that of the duke of Berwick with the exception of thirty troopers, marched back to Salisbury. The third regiment, belonging to the duke of St. Alban's, had mustered at a distance; and the men, ignorant of this transaction, followed colonel Langston to Honiton, where they were received as friends by general Talmash at the head of a considerable force, and solicited by him to enter into the service of the prince. Most of the officers and one hundred and fifty privates consented: the rest were made prisoners, but afterwards discharged*.

To James the loss in number of men was inconsiderable, and might speedily be repaired: there was even much to encourage him in the spirit of loyalty displayed by the majority of the officers and privates; but the example was productive of the most disastrous consequences. It spread doubt and distrust through the army, no man daring to rely on the fidelity of his companion: it shook the loyalty of the wavering, and it weakened or dissolved the only tie which had hitherto restrained many, the disgrace of being the first to desert the royal colours. The report soon reached every corner of the kingdom: it was said that three regiments, then that several entire corps, had gone over to the enemy, and that the whole army was actuated by the same spirit of disaffection: the friends of the prince, relieved from their terrors, began to exert themselves in his favour; and the earl of Danby, with the lord Lum-

* This transaction is related with some trifling variations by major Norton in Macpherson's Papers (i. 289. 296), by James himself in his Memoirs (ii. 215), and by Baildon in his despatches of Nov 25, 26, and Dec 1. "O God!" exclaims Clarendon in his Diary, "that my son should be a rebel! The lord in his mercy look upon me, and enable me to support "myself under this most grievous calamity." He waited on James the next day. "God knows," he says, "I was in confusion enough. The "king was very gracious to me, and said he pitied me with all his heart, "and that he would still be kind to my family." Many, however, did not think of him as favourably as James. "Myl Clarendon, son père, parle de lui comme d'un traître et d'un infame: mais peu de gens croyent qu'il ait osé faire de son chef ce qu'il a fait, sans la participation de son père." Baildon, 26 Dec.

ley, called together their associates and dependents in Yorkshire, the lords Delamere and Brandon imitated him in Cheshire, and the earl of Devonshire raised the standard of insurrection in the midland counties.

On the other hand the king's advisers, in despair of success, conjured him to seek an accommodation with his nephew, and to prevent at any price the total subversion of his throne. But James refused to see what was evident to all besides himself: he still believed in the loyalty of the army, and was confirmed in this confidence by the number of those who had returned to their colours out of the three regiments *. In a military council at Whitehall he informed the members that he had taken measures for the calling of a parliament as early as was possible, with the intention of making every concession that might be demanded; that he could not believe there were many Cornburys among such honourable men; but that, if any one felt an objection to his service, he would spare him the infamy of so foul a desertion, and give him full liberty at that moment to leave the army and to go wherever he pleased. They replied with protestations of the warmest attachment, and declarations of their readiness to shed their blood in his cause. It was observed that the duke of Grafton and the lord Churchill were the first to answer in this manner; and yet there cannot be a doubt that, with such expressions of loyalty on their lips, they at the very moment meditated treachery in their hearts †.

The next day, a few minutes before the king's departure, the archbishops of Canterbury and York ‡, with the bishops of Rochester and Ely, solicited an audience, and delivered to him a written address, subscribed by themselves, the dukes of Grafton and Ormond, the earls of Dorset, Clare, Rochester, Clarendon, Anglesey,

* Baillon, 25 Nov.

† James (*Memoirs*), ii. 219. Orleans, 311. If we may believe Hewitt, one of the supposed conspirators, to be afterwards mentioned, Grafton and Churchill met their associates that very night to consult on the manner of betraying the king into the hands of the prince.

‡ Dr. Lamplugh, whom James, for his loyalty, had just translated from Exeter to York.

and Burlington, viscount Newport, the bishops of St. Asaph, Ely, Rochester, Oxford, and Peterborough, and the lords Paget, Chandos, and Ossulston. It humbly but earnestly requested the king to summon a free and legal parliament without delay, as the only expedient which, in their opinion, could preserve the nation from the calamities with which it was threatened. James replied with strong emotion, "What you ask is what I passionately desire. I promise on the word of a king to call a legal parliament, the moment the prince of Orange shall depart. But how can you have a free parliament now, that a foreign prince, at the head of a foreign force, has it in his power to return one hundred members*."

- Nov. James proceeded to the army, reviewed that portion of
 19. it which lay at Salisbury, and appointed the next day for the inspection of the division at Warminster under general Kirk. But he was prevented from executing this
 20. design by a profuse bleeding at the nose, which recurred at intervals on that and the following days, and procured him relief from some very alarming symptoms, the consequences of intense application and mental distress. During this short indisposition the count de Roze repeated his arguments against the advance of the army. The enemy were already at Wincanton; the royal artillery had not arrived; the positions of Salisbury and Warminster were untenable; and it was better to withdraw of his own free choice, than to incur the disgrace of a forced, and perhaps a disastrous, retreat.
 22. James still listened to him with reluctance: but his consent was extorted by information that, had he pursued his previous intention of inspecting the corps at Warminster, he would that day have been seized on the

* First Coll. of Papers, p. 11, 12. Ellis, *Con. n.* 301. Budlon, 27 Nov. This petition originated with the bishops. The duke of Norfolk, the marquess of Halifax, and the earls of Oxford and Nottingham, and others, refused to sanction it with their signatures, some through fear of displeasing the king, most through fear of displeasing the prince. Halifax and Nottingham gave as a reason, that they would never put their names to a paper signed by the earl of Rochester, because he had accepted a place in the ecclesiastical commission. Clarendon, *Diary*, 201—3. 210.

road, and conveyed a prisoner to the enemy's quarters. The persons charged with this conspiracy were of high rank in the army, the lord Churchill, major-general Kirk, colonel Trelawney, and some others. James deemed it imprudent to take them into custody, or even to betray his knowledge of the plot. He summoned them to a military council, in which he proposed the question of a retreat beyond the Thames. It was supported by Feversham, Dunbarton, and Roze, but warmly opposed by Churchill, who strongly urged the king to resume his design of visiting the post at Warminster. But James adhered to the resolution which he had previously taken, the council broke up at midnight, and immediately the duke of Grafton and Churchill went Nov 23. over to the enemy. They were followed in the morning by the colonels Trelawney, Churchill, Barclay, and about twenty privates. Kirk was arrested on suspicion by lord Feversham: but he declared that though he had been unfortunate in the selection of his friends, he was incapable of imitating their baseness; and the king, who perhaps believed his assertion, ordered him to be set at liberty. The deserters were graciously received by the prince, with the exception, perhaps, of Churchill, of whom Schomberg is said to have made the severe remark, that he was the first man of the rank of lieutenant-general, who had been known to run away from his colours*.

* James (Mem.) ii 222, 223, 224, 225 Baul. i 4 6 9 Dec. Burnet. iii 316. That James believed in the existence of the plot to carry him off, is twice asserted by Burnet, but we have no knowledge on what authority that belief was founded. Macpherson has published from Carte's papers several accounts tending to prove that on the 16th of November, after the council of war, a meeting was held at the lodgings of Mr. Hatton Compton, in St. Alban's street, in which it was determined not only to seize the king, but to put him to death if any attempt were made to rescue him. For this purpose, Wood and Hewit (afterwards lord Hewit, the supposed relator) were to discharge their pistols into the carriage, and Churchill, who would attend as lord in waiting, was to complete the business. (Macpher. i 280. 284.) It must be owned that these papers bear not sufficient proof of authenticity to establish so grave an accusation. But with respect to Churchill's previous engagements to the prince of Orange, there is a letter from him to William, of the date of May 17, 1687, to satisfy him that "the princess of Denmark is safe in the trusting of

The king, having ordered the infantry to repass the Thames, and guard the bridges over the river, and having posted the cavalry under lord Feversham at Reading, to consume the forage in the neighbourhood, commenced his journey towards London. He stopped the first evening at Andover, and invited his son-in-law, prince George of Denmark, to sup with him. Six days before this, the princess Anne had pledged her word to William for the defection of her husband: but George indulged in habits of indolence, and lost the opportunity offered him at the departure of his Mentor, lord Churchill. He had, however, friends more active than himself: horses were already in waiting for him, when he left the royal table: he mounted with the duke of Ormond, the lord Drumlanrig, and Mr. Boyle; and all four rode about midnight towards the nearest quarters of the enemy. The king received the news with an air of indifference. "What," said he, "is *est il possible* gone? Were he not my son-in law, a single trooper " would have been a greater loss." His defection, however, awakened uneasy thoughts in the royal breast: was the princess acquainted with the design, or could she intend to follow the example of her husband? James, indeed, hoped much from her filial piety, much from her gratitude—for he had always been to her a most indulgent parent, and had never molested her, never addressed a single word on the subject of religion

"him (Churchill)" Dalrymple, 191. And another of Aug 4, 1688, in which he "puts his honour into the hands of his royal highness." (239.) Bomepaus, on June 4, 1687, says that Anne "aime avec une passion démesurée madame Churchill," and that the king is persuaded that the prince of Orange "avait gagné madame Churchill pour persuader à cette princesse d'aller en Hollande." On the 21st of July, he adds, "Myl. Churchill, aime et comble de bienfaits du roi son maître, se ménage plus qu'aucun pour le P. d'Orange." That he promised to desert to the prince soon after the landing of the latter appears from Norton's narrative (Ibid. 293), and the letter of the princess Anne to William, of Nov. 18 (Dalrymple, 333.) On the 21st Barillon writes to his sovereign that some of the superior officers, particularly Churchill, Gralton, Kirk, and Fenwick, appear discontented, and make use of discouraging language. He adds, "Ils ne sont pas capables d'une trahison ou voit bien qu'ils ne combatteront pas de bon cœur, et toute l'armée le sait. Cela met les affaires du roi d'A. dans un grand peril."

—yet aware of the influence which the Churchills exercised over her mind, he despatched an order to lord Middleton, to watch her motions, and to prevent her from quitting Whitehall: an order which the secretary, through forgetfulness or incredulity, made no haste to enforce*.

Anne, the moment she heard of the evasion of the prince, sent for the bishop of London, to arrange with him a plan for her own escape. After the family had retired to rest, she left her bedchamber with lady Churchill and Mrs. Berkeley, descended a back-staircase, which had recently been put up for that very purpose, and found waiting at the gate a carriage, in which were the bishop and the earl of Dorset. She passed the night at the prelate's house in Aldersgate-street, hastened in the morning to Copt-Hall, the seat of the earl, and proceeded thence to a meeting of the prince's adherents at Northampton. Behind her she had left a letter for the queen, composed in the same style of duplicity which characterised those to the king from prince George and lord Churchill. It stated that in her surprise at the departure of her husband, she had thought it best to express in writing her dutiful feelings towards their majesties. Unable to face her father, as long as the prince should be under the royal displeasure, she had withdrawn, till a reconciliation might be effected; and, as her husband had gone solely to provide for the king's preservation, so she would follow him for that purpose only. She was in fact the most unhappy of women,

* James (Memoirs), ii 224. Baillon, 5 9 Dec. Clair Corresp ii 208. Prince George was called "est il possible," from his constant habit of using those words. "Le prince George," says Bourepais, "ne se mêle de rien. Il n'est non plus fait mention de lui, que s'il n'était point au monde." Bourep. 4 Jun, 1687. Both the prince and Churchill wrote to the king apologies for their desertion. The prince protests, "Nothing but the cause of religion is able to tear me from you, whilst the same affectionate desire to serve you continues in me. Could I secure your person at the hazard of my life I should think it could not be better employed." Churchill says that "Though his religion will not allow him to join the royal advisers, yet he will always, with the hazard of his life and fortune, so much his majesty's due, endeavour to preserve his royal person and lawful rights, with tender concern and dutiful respect." Kennet, 498. Their hypocrisy was equal to their ingratitude.

divided between duty and affection to a father on the one hand, and duty and affection to a husband on the other*. And yet, as the reader knows, the very desertion of that husband had been planned and instigated by this dutiful and veracious daughter! At Whitehall her disappearance was not noticed, probably was not meant to be noticed, till the morning, when her domestics hastened to the queen's apartment, and clamorously demanded their mistress, while a crowd assembled in the street, vociferating that she had been murdered or carried away by the papists. In a short time the fact of her escape was known, and the tumult subsided. Soon afterwards the king arrived. On the receipt of the intelligence he burst into tears, and exclaimed, "God help me! my very children have forsaken me!"† The shock quite unnerved him; and one who, from her situation near the royal person, had the opportunity of watching his deportment thought that she discovered in him, during two or three of the following days, occasional aberrations of intellect‡.

In the opinion of every man the royal cause was now hopeless. Dartmouth had written that he would answer for his own loyalty, but not for that of the fleet under his command; the Scottish guards, the corps on whose fidelity the king placed the firmest reliance, had expressed a reluctance to draw their swords against his opponents; Newcastle, York, Hull, Bristol, and Plymouth had been seized by the partisans of the prince, and numerous meetings had been held in York, Derby, and Nottingham, where resolutions had been carried in favour of a free parliament, and the support of the protestant religion. But the language of these resolutions was more alarming to the king than their purport. "We own" said the declaration from Nottingham,

* Kennet, 499

† Clarendon's Diary, 207 214 216 Baillon, 6 9 Dec. Lord Dorchester, in notes to Burnet, ii. 313. Duchess of Marlborough's Apology, 10. James (Memoirs), ii. 226.

‡ Reresby, 311.

“ that it is rebellion to resist our king that governs by law, but *he* was always accounted a tyrant that made *his* will the law. To resist such a one, we justly esteem it no rebellion, but a necessary defence.” In this extremity he consulted his confidential advisers. One resolution he had taken, to provide in the first place for the safety of the queen and his son: for he had persuaded himself, from the past conduct of his opponents, and from more recent advices, that they deemed it of the first importance to take the life of the young prince *. The next question was, should *he* also withdraw, or keep his post to the last. The earl of Melfort, and several other catholics advised him to flee: were he out of the kingdom, his person would be safe; he would still retain all his rights; and the opportunity of recovering the crown would not be wanting to him, any more than it had to his predecessors in similar circumstances. But the lord Bel syse, with the two secretaries, and the lords Halifax and Godolphin, earnestly advised him to remain. He had only to assent to the securities which would be demanded for the laws and religion of the country, and his person would be safe. His subjects, many of whom began to suspect the ambitious designs of the prince, would rally around the throne, and defend the monarch from violence. James himself, though he saw no prospect of success, felt ashamed to quit the crown without once drawing the sword; and sometimes amused his desponding mind with dreams of victories to be gained in Scotland with the aid of the duke of Hamilton, or in Ireland at the head of the army formed by the earl of Tyrconnel †.

* “ ’Tis my son they aim at, and ’tis my son I must endeavour to preserve.” Dalrym 325. Peter had advised this from the first landing of William, because the sending of the young prince to France “feroit penser aux Anglais le plus sensés qu’ils s’engagent dans une guerre, qui peut durer pendant plusieurs générations, quand même le véritable héritier, et celui qui a le droit, seroit dépossédé.” Baillon, 25 Nov. Lord Melfort also claimed the merit of having given this advice Macpherson, Papers, ii 674

† Baillon, 11-13 Dec.

Nov. 27. It was, however, necessary that he should put on a cheerful countenance, were it only to gain time for the escape of the infant prince. In conformity with the suggestion of certain lords, he summoned a great council of peers, forty in number, and all protestants, to assemble at Whitehall. They spoke to him with freedom; but it was observed that Clarendon transgressed the bounds of decency, and employed language so unfeeling and insulting, "that no one wondered at his going a day or two after to meet the prince of Orange at Salisbury *." The sum of their advice, though they were far from being unanimous, was that, besides calling a parliament, the king should grant a pardon without any exceptions, should appoint commissioners to treat of an accommodation, and should immediately dismiss every catholic from his service. James assured them that he was not offended with any man on account of his freedom; that he certainly meant to call a parliament, but that some of their suggestions were of such importance, that no one could wonder if he took a single night to deliberate. He was convinced that, though many had deserted him, many still remained to stand by him. Accident (he meant his indisposition at Salisbury) had providentially saved him from the treachery of Churchill; and, as he had read the history of Richard II., he would take sufficient care not to fall into the hands of a nephew who sought to place the crown on his own head †.

Nov. 30. In a few days a proclamation appeared, stating that the king, on November 28th, had ordered writs to be issued for the meeting of a parliament at the shortest date, the 15th of January; a pardon for all previous

* James (Memoirs), ii. 239. Among other things Clarendon reproached him with the levy of a regiment of guards at that moment, to consist entirely of catholics. James declared that it was false, that no such direction had ever been given. Clarendon said that he had been told so; and continued in the same style. His Diary, 210.

† Clarendon's Diary, 209, 211. Barillon, 9 Dec. James (Memoirs), ii. 238. Burnet, in. 322.

offences to be passed under the great seal; and commissioners to proceed immediately to the head quarters of the prince of Orange; but that, with respect to the dismissal of catholics from office, he would leave that question to the wisdom and decision of parliament. The fact was that he felt unwilling to deprive himself of their services before he had secured the retreat of his wife and son; but, to satisfy the citizens, he had already removed sir Edward Hales from the command of the Tower, and substituted for him Skelton, whom he had so lately confined in that fortress *. Nov. 26.

Lord Dover had been appointed to the government of Portsmouth. In a few days the prince of Wales arrived in that town, under the care of lord and lady Powis; a yacht was ready to take him on board; and lord Dartmouth, whose fleet lay at Spithead, received instructions to watch over his safety, and to facilitate his escape. But the very presence of the prince betrayed the royal secret; and a body of "associated" officers represented to the admiral the charge to which he would expose himself, and the evil which might befall the nation, if he should suffer the heir apparent to quit the kingdom. By this time at least, Dartmouth partook of that spirit of consternation which pervaded all ranks of the royalists, and he returned an answer to the king, conjuring him to recede from his intention, and excusing, in humble and affectionate language, his own disobedience. The unfortunate monarch had little time for deliberation; the delay of a few hours might place his son in the power of his enemies: and he sent orders for three regiments, under the earl of Salisbury, to escort him in his return to the capital, while Caryll, the queen's secretary, made arrangements with the count de Lauzun for his escape down the river †. Dec 3.

* James (Memoirs), ii. 237. Barillon, 9 Dec. Clarendon, Diary, 208

† Dalrymple, 326. 330. James (Memoirs), ii. 233. 237. Barillon, 11 13 15, 16. 18 Dec.

In the mean time much had occurred to persuade the king that there remained no other chance of safety for himself, but the same which he had chosen for his son. In accordance with the advice of the great council, he had sent three commissioners to the prince, the lords Halifax, Nottingham, and Godolphin: but William, under different pretexts, evaded the audience which they solicited, and at the same time urged forward the march of his army towards the capital. This was sufficiently discouraging: but in addition there appeared in London many copies of a proclamation lately issued under his signature, declaring all papists bearing arms, or having arms in their houses, or executing any office contrary to law, robbers, freebooters, banditti, and incapable of receiving quarter: calling on all magistrates, under the penalty of answering for the protestant blood that might be spilt, and the protestant property that might be destroyed through their negligence or apathy, to disarm all papists, and to execute these orders with rigour; because London and Westminster were threatened with conflagration, and their inhabitants with massacre from the crowds of armed papists, who had collected there to execute the design of the French king, who had leagued himself with a neighbouring prince of the same communion, to extirpate protestantism out of Europe. This instrument was afterwards disowned by William, and some years later Speke, the libeller, came forward to claim the merit or infamy of the imposture: but at the time of publication no one doubted its authenticity: and the spirit of vengeance which it breathed, with the tone of authority which it assumed, strongly served to confirm the jealousies and apprehensions that agitated the mind of the king. He drew from it the inference that it was intended to deprive him of every individual in whom he could repose any confidence, to place him gagged and bound in the hands of his enemies; and, of the fate he might expect in such circumstances, he had

before his eyes a pregnant instance in the eventful history of his father*.

The queen had hitherto refused to separate her lot from that of her husband; but now that he had made up his mind to leave the kingdom, and that he solemnly promised to follow her within twenty-four hours, she consented to accompany her child. The time for their escape was fixed at two after midnight. Disguised as an Italian lady, with a female Italian servant, and the nurse carrying the infant, she stole silently down the privy stairs to the water-side, and, though the night was dark and stormy, stepped intrepidly into a small open boat, crossed the river, and landed on the opposite bank at Lambeth. But the carriage which had been ordered was not there; the rain fell in torrents; and the royal fugitive was compelled to wait under the shelter of a high wall, exposed to the danger of discovery from the cry of the child, and the accidental curiosity of the inhabitants. At length they were enabled to depart, and drove to Gravesend, where a yacht, with lord and lady Powis, and three Irish officers on board, was ready to receive them, and conveyed them in safety to Calais. St. Victor, a French gentleman, saw the exiles depart, and hastened back with the consoling information to the monarch†.

James had passed the early part of the morning in considerable agitation: the return of St. Victor enabled him to assume a more cheerful air, he ordered the guards to be in readiness to accompany him to Uxbridge the next day, and talked of offering battle to the enemy, though at the same time he confessed to Barillon, that he had not a single corps on whose fidelity he could rely. Up to this moment he remained in ignorance of the progress of the negotiation; in the evening a messenger from his commissioners brought him an account of their

* See the proclamation in Echard, 1127. Also Barillon, 16 Dec. James (Memoirs), ii. 249; and Burnet, iii. 321.

† James, ii. 246. Barillon, 20 Dec. Orleans, 315. Note (E).

Dec. proceedings*. On the sixth day after their departure
 8. from London, they had been introduced to the presence of William, who stated, in allusion to one part of the royal proclamation, that he would never admit of any pardon for his followers, because the admission of pardon supposed the pre-existence of guilt; and that he had named to confer with them as commissioners on his side the marshal Schomberg, and the earls of Oxford and Clarendon. The reader will probably start at the name of Clarendon. Yet so it was: the very man, who but a month before so feelingly lamented the defection of his son, was now found at the head-quarters, and acting as the confidential agent of the prince. In fact, he had imprudently persuaded himself that these conferences would lead to the formation of a new ministry, in which, if he were not wanting to his own interest, he might hold a distinguished place. With this view he hastened from London to pay his worship to the rising sun: but a few days convinced him of his mistake. He saw that William's ambition would be satisfied with nothing short of the crown; and, from the manner in which he was treated now, had reason to conclude that he would be treated with greater contempt afterwards, when the prince should be seated on the throne†.

The royal commissioners being requested to state their demands in writing, observed that, as the king had already done all that the prince required, by calling a parliament, nothing remained but to adjust the preliminaries necessary for the freedom of elections, and the security of the two houses; for which object they proposed that both armies should be restrained from coming within a certain distance of the capital. William referred their paper to the consideration of his English followers, whose opinions he affected to follow, though they had hitherto been dictated by himself. On this occa-

* Bayillon, 20, 22 Dec. James (Memoirs). ii. 249

† Clarendon's Diary, 212. 220.

sion a warm altercation arose. They insisted that James should be obliged to recall the writs which had been issued for the election of representatives. He replied, "We may drive away the king, but how can we procure a legal parliament without the writs?" They were not persuaded: the article was included in the conditions, and he ordered it to be erased. In the morning D. c. they replaced it, but he again insisted that it should be 9. expunged*. The answer which was at last returned, required that each army should remain at the distance of forty miles from the capital, that all papists should be dismissed from office, that all proclamations reflecting on the prince or his followers should be recalled, that the invading army should be supported at the public expense, that the king and the prince should reside in London, or at an equal distance from London, with the same number of guards, and that the Tower and the fort at Tilbury should be placed in the custody of the city, and Portsmouth in that of such person as should be agreeable to both parties. To adjust these particulars William offered not to advance within forty miles of the capital during the four following days, an offer which while it bore the appearance of moderation, was equally convenient for himself†.

Though these conditions were more favourable than the king expected, they did not induce him to alter his resolution. The observation of the commissioners, that D. c. "there appeared a possibility of putting matters into a 10 "way of accommodation," was not calculated to excite any very sanguine hopes; and their private letters were still more discouraging than their official despatches. He was ignorant then of what was known later, that both Halifax and Godolphin were already candidates for

* The majority feared that, if the writs were not revoked, the elections would take place while they remained with the army, and that other persons would be returned as representatives in their absence. *Clar. Day.* 221 223

† James, ii. 240 Fourth Collec. 25.

the favour of the invader, and desirous of rendering him an acceptable service, by inducing the king to quit the kingdom. Under this ignorance he drew from their letters the conclusion, that it was the object of his nephew to effect his deposition by a legal parliament of his own calling, unless he were previously removed by a conspiracy against his life. Before he retired to rest he delivered to the count de Roy a letter for lord Feversham, announcing his intention of providing for his own safety by withdrawing from the kingdom, thanking him and the officers and privates for their past loyalty, and remarking that he no longer desired them to expose themselves to danger by "resistance to a foreign army" and a poisoned nation*." Then, having received from the lord chancellor all the parliamentary writs which had not hitherto been issued, he threw them with his own hands into the fire, to disappoint by their destruction one great object of his enemies†. Soon after midnight he rose, disguised himself in the dress of a country gentleman, and ordered the duke of Northumberland, who slept on the pallet-bed, to keep the door locked till the usual hour in the morning. Descending the back stairs, he was joined by sir Edward Hales, whom he afterwards created earl of Tenterden: a hackney coach conveyed them to the horse-ferry; and, as they crossed the river with a pair of oars, the king threw the great seal into the water. At Vauxhall they found horses in readiness, and with the aid of a relay provided by Sheldon, one of the royal equerries, reached Emley ferry, near Feversham, by ten. The custom-house hoy had been engaged to convey some strangers to France, but the ship wanting ballast, they were forced to run

Dec
11.

* James, ii. 249. Fourth Coll. of Papers, 27. Lord Godolphin wrote to advise him to withdraw. Lord Dartmouth's note to Burnet, iii. 327. Lord Halifax is also said to have written that the party of the prince had "an ill design" against the king's person. Reresby, 311. See also d'Orleans, 314.

† James (Memoirs), ii. 251. The writs had been issued for fifteen counties only. Barillon 27 Dec

her on shore near Sheerness: where, about eleven at night, they were boarded from three boats, cruising in the mouth of the river to intercept the fugitive royalists. The hoy floating with the tide was taken back to Feversham; and the king, having remained for several hours in the hands of his captors, was compelled to land and proceed to the principal inn. There he saw that, notwithstanding his disguise, he was recognized by several persons in the crowd, of whom one, bursting into tears, knelt to kiss his hand; and, as the secret had now transpired, he acknowledged himself, sent for lord Winchelsea, whom he appointed lord lieutenant of the county, and was at his own request transferred from the inn to the house of the mayor, where he remained under a strong guard of the seamen and militia *.

Lord Feversham had given little proof of ability as a general: but he showed, amidst the general defection, that he possessed the feelings of an honourable mind. Instead of seeking to secure the favour of the prince, by soliciting orders from him, he caused the king's letter to be read to the different regiments, announced to them the expiration of his command, and then informed the prince of what he had done. Many of the officers and men received the intelligence with tears, and, conceiving themselves at liberty, withdrew to their re-

* James, *ibid.* 251-254, App. vi. Barillon, 24 Dec Burnet, *iii.* 326 It has often been said that James was induced to escape to France by the advice of Barillon. The despatches of that envoy show, on the contrary, that James did not consult him, nor give him any opportunity of interfering with his opinion. Barillon, however, conceiving that it might prove injurious to the interest of France, if James were to quit his dominions, solicited from Louis an order to advise him to remain. But the monarch was more generous than his minister. He refused; "plus je desir de l'aider à sortir de l'embaras où il est, et de lui témoigner dans une conjoncture si périlleuse la sincérité de mon amitié pour sa personne, et de mon emmusement pour tout ce qui le regarde, plus je vois qu'il faut laisser à sa prudence et à la connoissance qu'il a de la disposition de son royaume, à prendre les résolutions qu'il croira lui être les plus convenables . . . Vous pouvez l'assurer que s'il envoie la reine et le prince de Galles dans mes états, ils y seront reçus avec toute la considération que demande leur rang, et qu'il peut toujours faire un fondement certain sur mon amitié." Louis XIV. à Barillon, 20 Dec.

spective homes. But William was offended; nor did he fail on the first opportunity to make lord Feversham feel the effect of his resentment. He complained that, by suffering the men to disband themselves, that officer had endangered the tranquillity of the country: but the true reason was believed to be, that he had intended to incorporate the royal army with his own, and to employ it for the purposes which he meditated*.

In London the news of the king's flight created surprise and consternation. About thirty spiritual and temporal peers joined the lord mayor and aldermen at the Guildhall, and, after some consultation, forming themselves into a separate council, assumed for a time
Dec. the supreme authority. They published and sent to the
11. prince a declaration of their adhesion to him in his endeavour to procure a free parliament, in which the liberties of the people, and in particular of the church of England, might be secured, and at the same time due indulgence be granted to protestant dissenters: a declaration which, though equivalent to a renunciation of the authority of James, did not come up to his expectations, and was, therefore, received by him with evident marks of dissatisfaction: while a most gracious reception was given to the deputies from the common council and the city, who begged of him to hasten his march to the capital for the completion of the great work which he had so gloriously begun: for, as hitherto they had looked up in vain to the king for redress, "now they presumed to make his highness their refuge†." In addition, the lords, to calm the fears of the citizens, took advantage of the absence of Skelton from the Tower, to transfer the government of that fortress to the care of lord Lucas, whose company formed part of the garrison, and they issued circular orders to the naval and military officers to watch over the preservation of discipline in

* James, ii. 249. 251. Baillon, 22 Dec.

† Clarendon, Diary, 224. Baillon, 22 Dec. Fourth Civil 13. 30.

the fleet and army. But the great difficulty was to maintain tranquillity in London and Westminster, where their ephemeral authority, though respected by the higher classes was set at nought by the passions of the people, authorised, as they supposed themselves to be, by the recently forged proclamation of the prince.

Large bodies of men had collected in the streets, and, under pretence of searching for arms, burst into the houses of the catholics, whence, if they did not proceed to the demolition of the buildings, they carried off everything that was valuable. The office of Hills, the king's printer, was laid in ruins, and its contents given to the flames; the several catholic chapels in Lincoln's-Inn-fields, Lyme-street, St. John's, and Clerkenwell, were either destroyed or burnt; and the ambassadors of the catholic powers were insulted or threatened. Ronquillo, the ambassador from Spain, trusted to his popularity (for his constant support of the prince had made him a public favourite): but the plate of the royal chapel and of several catholic families, which had been committed to his custody, offered too powerful a temptation; and his doors were forced, his house and chapel were rifled, and whatever the rioters could not carry away was burnt, together with his library and manuscripts. Of the other ambassadors the Florentine experienced the same treatment; but those from France and Venice applied to the council, and obtained for their protection strong detachments of military, who repelled with difficulty the repeated assaults of the populace*.

On the second night the citizens were awakened from their sleep by a sudden cry of "The Irish are up and cutting throats!" And the same terrifying denuncia-

* James (Memoirs), ii. 256 Echard, 1139 Baildon, 22, 24 Dec. Ellis & Cor. ii. 347, 350. Buckingham, ii. xv The plate and jewels carried away by the mob from the Spanish ambassadors were valued at an immense sum. Reres. 323 Ronquillo received as a compensation 17,000*l*. The king, on account of some notorious assemblages, had ordered all the catholic chapels to be shut up as early as November 9. Baildon, 19 November

ation was simultaneously echoed from every part of the metropolis. Lights were instantly placed in the windows; a hundred thousand men rushed into the streets; parties proceeded in different directions to oppose the imaginary foes; and, though the murderers could nowhere be discovered, still the report obtained credence, and the terrors of the citizens were protracted, till the return of daylight gradually dispelled the delusion. At the same time a similar alarm was excited in most of the neighbouring towns, but it failed of provoking, what, if it were not accidental, its authors probably meant to provoke, a massacre of the catholics. Speke took to himself the merit also of this dangerous contrivance*.

The mob repeatedly called for the blood of father Petre. But he had disappointed their vengeance by retiring beyond the sea about ten days before: and his example had been imitated by lord Melfort, the Scottish secretary. As soon as the flight of James became known, numbers, apprehensive of the consequences, attempted to follow him; and the roads towards the sea-coast were covered with fugitives endeavouring to escape, and with persons on the watch to arrest every stranger proceeding in that direction. Even during the short stay of the royal captive at Feversham, Mr. Justice Jenner, Burton and Graham, the king's solicitors, Gifford and Leyburn, two of the vicars apostolic, Obadiah Walker, and several others were brought prisoners into the town. The nuncio had placed himself as a servant behind the carriage of the envoy from Savoy: but that

* James, ii. 258 Ellis Corresp. ii. 356. Barillon, 23 Dec. Echard, 1131. Perhaps he might claim also that of a similar fraud in Ireland. On the 7th of December, lord Mount-Alexander received an anonymous letter, stating that the 9th was fixed for the general massacre of the protestants. From his seat in the county of Down he despatched copies of this letter into all quarters of the island. Wherever it arrived, the utmost consternation prevailed. Congregations rushed out of the churches during the service to provide for their safety; multitudes migrated from the interior to the sea-coast, to procure a passage to England, and on the night of the 9th three thousand individuals in Dublin fled from their beds, and took refuge on board the ships in the harbour. See Secret Consults, 137, 140.

minister with his suite was intercepted and detained, till William, who sought not to offend his catholic allies, furnished him with a passport. The lord chancellor Jeffreys was discovered at Wapping in a strange disguise. A party of the trained bands rescued him from the fury of the mob: but they still pursued him with whips and halters, and, as the lord mayor was too much alarmed to take his examination, he was at his own desire conducted under an escort of two regiments to the Tower. The lords in council soon afterwards sent a warrant for his detention, and in the course of a few months he died of the stone without having been discharged from confinement *. Penn being brought before them, gave security for his appearance in 6,000*l*. †, and the earls of Peterborough and Salisbury, both converts to the church of Rome, were committed to the Tower.

On the third morning a rumour was heard of the king's arrestation in his flight. It obtained no credit; but a countryman, standing at the door of the council-chamber at Whitehall, put into the hands of lord Mulgrave a letter from James, which bore no address, but stated that the writer was a prisoner in the hands of the rabble at Feversham. Most of the lords, afraid of offending the prince, would gladly have passed it by without notice, and for that purpose Halifax, the chairman, suddenly adjourned the meeting; but Mulgrave conjured them to resume their seats, and extorted from them by his remonstrances an order that the earl of Feversham should take two hundred of the life-guards, and protect the king's person from insult. Feversham solicited an explanation of this order, but was merely told that it gave him no authority to interfere with the liberty or the motions of the sovereign. Halifax, to mark his dissatisfaction, or to make his court, immediately left London,

* Buckingham, ii. p. xi. James, ii. 254. Ralph, 1063. Ellis Corresp. ii. 354. Echard, 1136. Oldmixon, 762. I do not notice the different stories respecting the capture and death of Jeffreys. They are so contradictory that no reliance can be placed on them.

† Ellis Corresp. ii. 356. Barillon, 24, 25, 27, Dec.

and repaired to the head-quarters of the prince who was then at Henley*.

The king, on the arrival of Feversham, determined to return to the capital. To account for this resolution, so Dec. 15. contrary to that which he had adopted four days before, it should be known that, during his confinement, lord Winchelsea had strongly advised him to lay aside the design of quitting the kingdom: his friends from London had excited his hopes by representing to him that a sentiment of pity for his misfortunes had rekindled the flame of loyalty in the breasts of numbers; and Godolphin, though he dared not advise him to return, had blamed his flight, under the notion that the conditions, if they had been approved by the king, would probably have been executed by the prince†. James resolved to make the experiment. From Rochester he despatched Feversham to William at Windsor, with verbal instructions on several points, and with a written invitation to a personal conference in the capital, where the palace of St. James's would be ready for his reception. The messenger found the prince and his advisers perplexed and confounded. On the supposition that James had left the kingdom, *he* had assumed the exercise of the sovereign authority, and had issued orders to the royal army, and the officers of government, in the style of a king or a conqueror; and *they*, in the confidence of success, had parcelled out among themselves the great offices of state, and the rewards to which they were entitled for their services. But Feversham, the moment he had delivered his despatch, was arrested by order of William, and confined in the Round Tower, under the

* Halifax was chosen chairman in the absence of the archbishop of Canterbury, "because, after he had signed the address to the prince, he "never would appear in public affairs, or pay the least sort of respect to "the prince of Orange, even after he was elected king of England; and "yet, on the other side, had been as morose to king James before, in never "acknowledging his son, or showing him the least civility" Buckingham, ii p. xiv xvi xviii.

† Baillon, 24 Dec. James, ii. 259. 261. Ralph, i. 1068. Clarendon, Diary, 226.

frivolous pretext that he had come without a passport, and had disbanded the army without orders; but probably to convince James, as it did in fact convince him, that he would no longer be treated as the sovereign. But, whatever was the motive of the prince, the arrest shook the confidence of many among his adherents. He had been sent for, they remarked, to protect their liberties: and one of the first uses which he made of his power was to imprison a peer of the realm, without assigning any cause or observing any legal process*.

From Feversham the fugitive monarch returned to Dec
Rochester, where he was joined by his guards; and 16
from Rochester proceeded in royal guise through the city to Whitehall†. His progress resembled a triumphal procession. He was preceded by a body of gentlemen with their heads uncovered; an immense crowd received him with loud acclamations; the bells were rung, and the evening was ushered in with bonfires. It is not improbable that, during these demonstrations of loyalty, a few rays of hope may have illumined the troubled mind of the king: but they were soon extinguished by the ominous arrival of Zuylenstein, and the news of the arrest of lord Feversham. Zuylenstein was the bearer of a letter from William, requesting his uncle not to advance nearer to the capital than Rochester. But James, observing that the request had come too late, repeated his invitation to a personal interview; and to the remark of the messenger, that the prince could not venture his person in a city occupied by the royal troops, replied,

* Buckingham i p. xxii. "I asked Bentinck what could be the meaning of committing lord Feversham, to which he made me answer, but with a shrug, 'Alas! my lord! This proceeding startles me.'" Clarendon, Diary, 227. See also Barillon, 24 Dec.

† On the day before, the princess Anne made a similar entry into Oxford to meet her husband. "The earl of Northampton with five hundred horse led the van. Her royal highness was preceded by the bishop of London at the head of a noble troop of gentlemen, his lordship riding in a purple cloak, martial habit, pistols before him, and his sword drawn; and his cornet had the inscription in golden letters on his standard, 'Nolimus leges Angliæ mutari.' The rear was brought up by some militia troops." Ellis Correspondence, ii. 368.

“ Then let him come with his own guards to St. James’s, “ and I will dismiss mine ; for I am as well without any, “ as with those whom I dare not trust.” This conference convinced the king of what he had so long suspected. The language of the letter and of the messenger showed, that William assumed the superiority of a conqueror, and no longer looked upon his uncle as the sovereign. Yet with these thoughts on his mind the unhappy monarch was sufficiently master of himself to hold a court, which was numerous though not brilliantly attended, to meet his ministers in council, and to sup in public as in the days of his prosperity *. But the next morning he sent a message to Lewis and Stamps, two of the aldermen, that, to leave no doubt of his sincerity, he was willing, if the civic authorities would guarantee his personal safety, to place himself in their hands, till full security for the religion and liberties of the nation had been established by parliament. Had the offer been accepted, it would have thrown a most perplexing obstacle in the way of the prince : but it was declined, through the influence of sir Robert Clayton, on the ground that the city ought not to enter into any engagement which it might not be in its power to fulfil †.

Dec.
17.

In the secret counsels of the prince a determination had been taken, to consider the reign of James at an end from the moment of his late escape from the capital. Now, however, that he was returned to Whitehall, and had been joyfully received by his subjects, William deigned to consult his English adherents, not collectively, but individually and in private, on the delicate and important question, what course ought to be pursued with respect to the royal person. By several it was suggested, that James should be secured a prisoner in some fortress in England, or perhaps in Holland. In that case anxiety for the preservation of his life would deter his friends from any hostile attempts, and Ireland, which

* James (Memoirs), ii. 261 263 Barillon, 27 Dec.

† James, ii. 271. G. Britain's Just Complaint, 8.

was now in the power of Tyrconnel, might be obtained as the price of his liberty. But the prince followed a different counsel. He deemed it more for his interest that James should withdraw from the kingdom, and that his escape should bear the appearance of his own voluntary act. For this purpose he sought to operate on the king's apprehensions; ordered four battalions of the Dutch guards and a squadron of horse under count Solms to march into Westminster; and despatched from Sion-house the lords Halifax, Shrewsbury, and Delamere, with a harsh and peremptory order to his uncle. Halifax was chosen for this office, as Clarendon had been on a recent occasion, to try the sincerity of his conversion*.

No answer had been returned to the king's message by Zuylcstein; but late in the evening Solms arrived, occupied the palace of St. James's, and, advancing at the head of three battalions, with their matches lighted and in order of battle, demanded possession of Whitehall. The spirit of Lord Craven, the commander of the English Guards, was roused: he declared that, as long as breath remained in his body, no foreign force should make a king of England prisoner in his own palace. James hesitated: but a moment's reflection convinced him that resistance against such disparity of numbers could only lead to unnecessary bloodshed, and by dint of entreaty, and some exertion of authority, he prevailed on the old man (Craven was in his eightieth year) to withdraw the Guards from their posts, which were immediately occupied by the Dutch†.

The king was now in a state of captivity. With a misboding mind he retired to rest a little before midnight, and after some time sunk into a profound sleep,

* Burnet, iii. 334. 337. Clarendon, Diary, 229. Clarendon asked in the presence of William, why the king might not go to one of his own palaces, to which lord Delamere answered that he did not look upon him as a king; and that he ought not to be in one of the royal houses, as if he were a king, and that he should never more be obeyed by him (Delamere) as king. Ibid.

† James, ii. 264. Buckingham, ii. p. xxiii. Barillon, 30 Dec.

Dec. 18. from which he was suddenly awakened by the earl of Middleton. That nobleman, who lay in the antechamber, had been disturbed by a loud knocking at the outer door: where he found the three commissioners from the prince, demanding immediate entrance. They had come with Solms and the Dutch guard; but abstained from presenting themselves at first, probably that their unexpected appearance in the middle of the night might make a more alarming impression on the unfortunate monarch. James was surprised, but instantly recovering himself, received them in bed, and listened to lord Halifax, who showed him their instructions, and told him that, for his own safety, and the preservation of tranquillity, it was deemed proper to remove him from Whitehall; that Ham, a house in Surrey belonging to the dowager duchess of Lauderdale, had been selected for his residence; and that at Ham he might be attended by his own guards, but must quit Whitehall by ten the next morning, because the prince intended to arrive in the capital about noon. From such an intrusion at such an hour it is probable that the king anticipated some more painful announcement. He appeared to receive the order for his removal with indifference, but objected to Ham as a cold, damp, and unfurnished house: and expressed a strong inclination to return to Rochester, where the prince had previously desired him to remain. About nine in the morning the commissioners came back from Sion House with the permission which he had asked; but, in arranging the manner of his departure, James experienced much opposition from the morosity of lord Halifax, who, as a recent convert, sought to display his devotion to the prince, while lord Shrewsbury, of whose political creed there could be no doubt, behaved with deference to the unfortunate monarch, and laboured to soothe his affliction by gratifying him in every request. About twelve the king bade adieu to the lords and gentlemen and foreign ministers, who had assembled to give him this last proof of their respect, and who, for the

most part, burst into tears. Hastening to the river, he went on board the royal barge attended by the lords Arran, Dunbarton, Lichfield Aylesbury, and Dundee : several boats carrying one hundred of the Dutch guards took their respective stations around him, and, at the signal given, the royal captive proceeded down the river. To most of the spectators it proved a mournful and huminating sight. They felt that powerful impression which is always made by the spectacle of majesty in distress ; and they could not behold without shame the king of England conveyed from his capital a prisoner in the hands of foreigners*.

James slept at Gravesend, and spent four days at Dec. Rochester. There he received no communication from 19. William, but was visited by many of his servants and adherents, who brought him accounts of all that passed in the metropolis. From them he learned that about three hours after his departure the prince arrived with six thousand men at St. James's, and was visited the same evening by most of the noblemen in London ; that the next day he received the duke of Norfolk, who had raised for him a powerful force in the eastern counties, and the aldermen, who presented to him an address in the name of the city ; that some lawyers had advised him to proclaim himself king, and summon a parliament, after the precedent of Henry VII. ; but that this advice had been rejected, because it was impossible to reconcile it with the contents of the declaration ; that he had, however, begun to exercise the sovereign au-

* James (Memoirs), ii. 265. 267. Buckingham, ii. p. xxii. Kennet, 503. Evelyn, Diary, iii. 262. Ellis Correspondence, ii. 372. It is a singular fact that the officer who commanded the Dutch guard, and one-half of the men, were catholics. One of them, when the king asked how he, a catholic, could aid a protestant prince to dethrone a catholic king on account of his religion, replied " That his soul was God's, but his sword the "prince of Orange's." Burnet, iii. 334. See also James, ii. 273. The number of foreign catholics in the army of the prince was, according to Reresby, 4000. " Les Anglais qui le virent partir," says Barillon, 30 Dec., " étoient fort tristes, la plupart avoient les larmes aux yeux. Il a paru même de la consternation dans le peuple, quand on a su que le roi partoit accompagné de gardes Hollandoises, et qu'il étoit véritablement prisonnier." See also Clarendon, Diary, 321.

thority, by ordering the deputies elected in the city on St. Thomas's day to act without taking the oaths, and had requested the lords spiritual and temporal to meet in council, and give him their advice; and that, in consequence of this request, about seventy peers had assembled in Westminster, and had chosen for their legal advisers, in place of the judges, five barristers strongly devoted to the interest of the prince*. Everything concurred to strengthen the king's conviction that his nephew intended to assume the crown; and, when he compared the events of the last few days with what he observed around him; that he was permitted to communicate freely with all who presented themselves; and that, while egress from the house towards the town was closed by the military posted at the door, the road from the garden to the river was left entirely open, he concluded that his presence was an embarrassment to his enemies; and that, if they thus afforded him the means of evasion, it was with the hope that he would avail himself of the opportunity to withdraw from the kingdom. This very inference formed of itself a sufficient argument why he should remain; it was hourly confirmed by letters and messengers from his most trusty adherents, and powerfully urged by lord Middleton in person, who plainly told him that if he were once to seek an asylum abroad, he must never expect to set his foot again on English ground†. On the other hand it was represented to him, that as long as he remained, he lay at the mercy of an ambitious competitor, who could dispose of him as he thought fit; that he was, and would, be in

* James (Memoirs), ii. 268. 270. 272. Kennet, 504. Burnet, iii. 341. Clarendon, Diary, 232.

† Brady was sent to him by the bishop of Ely on this subject (Clar. Diary, 232), and was seen by him. James (Mem.), ii. 270. Clarendon sent Belson with a similar message, "a discreet and honest man, a Roman catholic, and one who never approved the foolish management of father Petres; as, in truth, did none of the sober Roman catholics." Ibid. Belson went to Rochester, and was announced to the king at supper; who said that he had letters to write, but would speak to him in the morning. In the morning he was gone. Ibid. 234.

fact a state prisoner, and must know that, according to the saying of his royal father, who had proved the truth of the adage in his own person, there was but a short distance between the prison of a king and his grave; and that even lord Middleton, when the question was put, did not dare to reply that he saw any means of security for his life on this side of the sea. Amidst these conflicting opinions the unfortunate monarch repeated, but with the prelates, the experiment which he had unsuccessfully made with the aldermen; and through the bishop of Winchester offered to place himself in the custody of the episcopal bench, provided they would answer for his safety. The offer was, however, evaded; Dec. 22. and from that moment he took the resolution to escape from durance, while the council of peers was yet in deliberation respecting his future lot*. Before supper he sat down and wrote a declaration of the motives which induced him to withdraw. It was, he said, next to madness to suppose that his life would be in safety, as long as he remained in the power of a son-in-law who had invaded his dominions without provocation. had made him a prisoner in his own palace, had sent him an order in the dead of the night to quit his capital, and had endeavoured to make him appear to the world as "black as hell," by imputing to him the crime of a supposititious child: an imputation, which even those who made it believed in their consciences to be false. He was born free, and wished to continue so; he had ventured his life in defence of his country, and was not yet too old to venture it again: for that purpose he had withdrawn, while it was in his power, but should still remain within call, ready to come forward whenever the people should open their eyes to the false but specious pretexts of religion and property with which they had been deluded†. This paper he ordered the earl of

* James, ii. 271, 272. This is confirmed by Reresby, 312. He had sent a similar message to Danby in Yorkshire Reresby, 325.

† James (Memoirs), ii. 273. Echard, 1134.

- Middleton to publish, left certain gratuities to be given to deserving persons, and 100 guineas to each of the captains of the Dutch guard; and, having communicated his intention to the lords Aylesbury, Lichfield, Middleton, and Dumbarton, retired to his bed at the usual hour.
- Dec. 23. Soon afterwards he arose, and passed through the garden to the river, in company with Macdonnel and Trevannion, two captains in the navy, his natural son the duke of Berwick, and Biddulph, one of the grooms of the bed-chamber. The weather was stormy; the wind and tide opposed their progress; and after an ineffectual attempt to reach the fishing smack which had been hired for the occasion, the king went on board the *Eagle* fireship, and was received by the ship's company with due respect. The next morning he proceeded to his own vessel. They were in all twenty men, well provided with weapons of defence; and after a tedious voyage of two days, in which they ran some danger from the weather, and more from the men-of-war lying in the Downs, arrived without molestation at Ambleuse on the coast of France.
25. Thence he hastened to join his wife and child at the castle of St. Germain's, where the exile was received by Louis with expressions of sympathy and proofs of munificence, which did honour to the head and heart of that monarch. A royal palace was allotted for his residence; his wants, and those of his queen, were anticipated and supplied; and the same honours were paid to him, as if he had still been in possession of the two thrones of Great Britain and Ireland*.

But it is time to leave the fugitive prince to mourn over his fall, in royal but borrowed splendour, at St. Germain's; and to turn to his successful nephew, exercising, but under a dubious and unacknowledged title, the sovereign authority at Whitehall.

If the reader has carefully watched the conduct of the

* James (*Memoirs*), ii. 273. 277. Barillon, 2 Janvier. The prince had sent to Barillon an order the preceding evening to leave London for France on the 3d, N. S. See note (F).

latter during the last two years, he will have to come to the conclusion that, whatever might be the pretexts set forth in his declaration, whatever the motives attributed to him by the policy or the partialty of his friends, his real object from the beginning had been the acquisition of the English crown. Though, hitherto, he had met with little resistance, yet, as long as the king remained within the realm, he knew not how to gratify his ambition without the incarceration or the death of his uncle, expedients advised indeed by the more ardent of his followers, but in his own judgment both disgraceful and dangerous. Now, however, that James by his flight had relieved him from this embarrassment, the chief question that remained for his decision was, whether he should seat himself at once on the throne, as belonging to him by right of conquest, or should quietly wait till he was called to it by the voice of the people. There were not wanting counsellors who urged the first part of the alternative: but the prince himself shrunk from the attempt. By it he would openly give the lie to his most solemn asseverations; he would insult the nation which had hailed him as its saviour, and would trample on the very rights and liberties of which he had proclaimed himself the champion and the avenger. Hence he judged it more gracious, and at the same time much safer, to advance no claim on his own part, to leave the settlement of the government, in appearance at least, to the free choice of the people, and to trust for the accomplishment of his object to the zeal and influence of his adherents, his own vigilant, though temporising, policy, and the gradual march of events which he had it in power to direct according to his pleasure and to make subservient to his purpose.

At his request the lords continued to sit at Westminster; but it soon became manifest that the majority would seek to hold him to the strict letter of his declaration, unless they were diverted from their object by additional pressure from without: for which purpose, under

- the pretext of taking the advice of the people as well as of the nobility, he called together a meeting of a description unknown in the history of the constitution—a meeting of all the members of any house of commons summoned in the reign of Charles II., who chanced at that moment to be in the metropolis, together with the lord mayor, the court of aldermen, and fifty citizens as representatives of the common council. All these he desired to meet him at St. James's, and to aid him with their advice, "as to the best manner how to pursue *the* "ends of his declaration *"—a most politic proceeding, as it flattered the vanity of the middle classes, and gave a new impulse to the deliberations of the lords.
23. The next morning the latter were reminded by William's adherents of the necessity of putting an end to the present unsettled and uncertain state of the government. It could not, indeed, be done by parliament, for parliament could be summoned by a king only. It might, however, be done by a convention. In the absence of Charles II., a convention had called him to the possession of the throne. In the absence of James II., a convention might remedy the evils arising from the dereliction of the throne by that monarch. By some of the king's friends it was proposed, that in the first place the declaration left by him at Rochester should be communicated to the house: but the demand was eluded by lord Godolphin, who declared that it contained nothing which bore on the question in debate. Lord Clarendon then moved that an inquiry should be made into the birth of the supposed prince of Wales; but it was replied that such inquiry would not lead to any satisfactory result, because the child was in a foreign country where his identity could not be ascertained, and where, if he should die, another might be clandestinely substituted in his place. On the other hand lord Paget, who was supported by the bishop of London, and lord North, demanded without delay that
- 24.

the prince and princess should be declared king and queen: but to them were opposed the earls of Pembroke and Nottingham, who with great ability defended the right of the fugitive king *. In conclusion, after a long and desultory debate, an address was voted to the prince, begging of him to assume and exercise the government of the realm till the meeting of a convention, and for the election of the members of that convention to issue writs similar to those which the king was accustomed to issue for the election of members of parliament †.

That this was the most eligible expedient in the existing circumstances is evident: whether it satisfied the ambition of the prince may be doubted: for it was based on the unwelcome principle that he possessed no claim to authority independently of the choice of the nation, and must therefore submit to take it with such conditions and limitations as the nation might think fit to prescribe. When the address was presented, whether he had not yet subdued his dislike, or sought to ingratiate himself with the commons, he bade the lords wait till the sense of the other meeting was ascertained. They, however, after some debate, adopted the same address: and William replied to each body separately, that he would undertake to preserve the public peace till the meeting of the convention, would issue the necessary writs according to their request, would maintain the protestant religion and interest in Ireland, and would always be ready to expose his person to danger in defence of the laws, the liberties, and the religion of the two kingdoms ‡.

The convention met on the appointed day. The lower house was composed chiefly of the men who had distinguished themselves in their respective counties by their opposition to the obnoxious measures of James from the upper the catholic lords were excluded, not in virtue of any law—for the law knew nothing of conven-

* Clarendon's Diary, Dec. 24. Burnet, 917

† Kennet, 305. Buckingham, ii. xxv. ‡ Kennet, 506.

tions—but because care had been taken to direct writs to none but protestant peers. In a short time the members of the two houses subsided into three parties. 1°. One was composed of those who looked back with regret to the times of the commonwealth, and wished to take advantage of the existing crisis for the introduction of a nominal monarchy with republican institutions. It was their plan to begin with the deposition of James, to proceed to the confinement of the royal authority within the narrowest limits, and then to offer the crown, shorn of its brightest prerogatives, to the prince of Orange. But the paucity of their number soon convinced them of the hopelessness of their cause; and they contented themselves with giving the weight of their votes to those motions which approximated the most to their own opinions. 2°. Then came the partisans of William, who contended that James, by his violation of the original compact between the sovereign and the people had forfeited his right. that by his departure from England the throne was left empty, and that no one had a better claim to it now than the prince, who by his exertions had freed the nation from the oppressive sway of a despot. These formed two-thirds of the lower house, but were in a minority in the house of lords. 3°. The third might be termed the conservative party, whose boast it was that they had no object in view but to preserve inviolate the constitution of the country. They maintained, as an incontrovertible inference, that, since the crown of England was hereditary, the throne could never become vacant—for, the moment one prince ceased to fill it, it became by law the property of his rightful heir—that to depose James was to follow, and therefore to approve, the precedent set by those who condemned Charles I. to death; and that to elect kings without hereditary right was to pave the way for republicanism, since each succeeding monarch would be compelled to accept the crown with the conditions which might be appended to it by the electors. But how then, it was asked, was

the government in the present case to be administered? A month before, they would have answered,—treat with the exiled monarch, and recall him to the possession of the throne under terms, which may prevent the repetition of those arbitrary acts that have led to his expulsion. But much had happened in that short interval to render the open expression of such sentiments inexpedient, perhaps dangerous. Hence in the convention they supported a modified opinion, that the royal exile was constitutionally king of England, but in a condition similar to that of a sovereign in infancy, or labouring under incapacity: and from these premises they drew the conclusion, that William should be appointed his *locum tenens*, to exercise the royal authority in the name of James during his life; but with the understanding that, at the death of that monarch, he should restore it to the rightful heir. This party could not boast of many adherents in the house of commons: in the lords they numbered a majority of the bishops and many of the temporal peers †.

William had undertaken to exercise the powers of government till the meeting of the convention: at the prayer of the convention he consented to exercise them till he should receive from the two houses an address respecting the settlement of the nation †. This momentous question immediately engaged the attention of the house of commons. By some of the friends of the prince it was contended, that the voluntary withdrawal of James, without any provision for the government of the realm during his absence, was equivalent in law to a demise of the crown: by others that it was in fact an abdication of the sovereignty. Not a voice was heard in his favour, though some ventured to deprecate a hasty vote before the house would be fully aware of the consequences. Whether the king had resigned, or had forfeited the crown, mattered little; he could resign and

* See the debates in the *Parl. History*, v. 36 52. Burnet, 809.

† *Lords' Journ.* xiv 103

forfeit for himself only. No action, no cession of his, could invalidate the right of those who were his successors by law. Neither had the two houses, as then constituted, the power to fill the throne, even if it were empty. That power resided in the nation at large: but the lords represented only themselves, the commons only the few electors in the cities and boroughs, and the forty-shilling freeholders in the counties, forming altogether but an inconsiderable portion of the English people. Their opponents, however, possessed an irresistible majority: and the house, after a long and interesting debate, came to two resolutions: 1°. That the king, “having endeavoured to subvert the constitution of the kingdom by breaking the original compact between him and the people, and having by the advice of jesuits and other wicked persons violated the fundamental laws, and having withdrawn himself out of the kingdom, had abdicated the government, and that the throne was thereby vacant. 2°. That experience had shown it to be inconsistent with the safety and welfare of the protestant religion, to be governed by a popish prince.” Both resolutions, as a foundation for the meditated change of dynasty, were immediately transmitted to the house of lords*.

In the lords the second of these votes, to which no opposition was anticipated, was immediately read and passed with unanimity. But the conservatives dexterously seized the moment to bring forward, as a consequence emanating from it, their favourite plan of a temporary regency. The king was a catholic: to him, therefore, according to their vote, the powers of government could not be intrusted with safety: let then some person or persons be appointed to exercise those powers “under the style of king James II. and during the life of the said king James.” The motion was supported with great ability and learning by the earls of Notting-

* Parl Hist v. 150. 152

ham, Clarendon, and Rochester, and fiercely combated by the marquess of Halifax, and the earl of Danby, two rival candidates for the favour of William. They were successful, but gained the victory by a majority of two voices only*.

Every eye was now fixed with intense interest on Jan. the proceedings in the house of lords, where the two ^{30.} parties were so nearly balanced. The next day, when that clause of the first resolution which stated that James had broken the original compact between the throne and the people was submitted to the consideration of the house, the conservatives tauntingly inquired what could be meant by the phrase original compact: where was it preserved: what were its provisions; in what writer, or in what record could they be found? Their opponents replied, that the people were the real source of power, and could not be supposed to place themselves under the government of others without some previous stipulation in their own favour. That the crown was hereditary in the same family they did not deny, but they contended that it was elective as to the person, both from historical records, and from the practice still preserved of asking the consent of the people at the coronation of a new sovereign, who was himself compelled to admit virtually the existence of the compact, by taking the oath usual on such occasions. To this reasoning the conservatives objected, that it supposed, as a principle, that the new sovereign derived his authority from his coronation: but this was contrary to the fact: for he became king from the moment of his predecessor's death, previously to any oath or election. On a division, however, the clause was saved by a majority of seven†.

* *Lords' Journ.* xiv 110 *Clarendon's Diary*, Jan. 29. *Burnet*, 810. 811. All the bishops, but those of London and Bristol, voted in the minority of 49. The majority amounted to 51. *Burnet* tells us that of those who voted for a regency, some were sincere, but that many supported it, merely because it might afford a means of recalling the king. *Ibid.*

† Of 53 to 46. *Burnet*, 812. *Kennet*, 510.

The conservative party now made a stand on other ground. They denied that the king had "abdicated" the government. To "abdicate" was applicable only to a voluntary cession: it could not be predicated of a compulsory flight, such as was evidently that of James: as well might you say of a man who had been driven out of his house by the flames, that he had abdicated his property. The leaders of the Orange party replied, that the king had not, indeed, renounced the government by any formal instrument; but he had voluntarily done that with which the forfeiture of the crown was necessarily connected, and consequently had abdicated it by his actions though not by his words. But the judgment of the house was not satisfied: they yielded, and it was agreed to substitute the word "deserted" in the place of "abdicated*."

Jan. 31. All this, however, was but preliminary to the discussion of the grand constitutional question, whether it followed, from the "desertion" of the government by James, that the throne was now vacant. The next morning was spent, in obedience to a proclamation by William, in religious exercises, to return thanks to God for the liberation of his people from popery and arbitrary power: when the lords met in the afternoon, the court party, aware of the general feeling in the house, sought to elude the direct question, by moving an amendment calculated to influence all who had anything to hope or fear from the present government; that, in consequence of the desertion of James, "the prince and princess of Orange should be declared king and queen." The debate was long and stormy, during which several of the members, particularly the lords Montague and Delamere, unable to control their vexation, indulged in warm and acrimonious language. But

* Lords' Journ. 111 Clarendon's Diary, Jan. 30. Even Burnet seems to have disapproved of the word *abdicated*. "There was," he says, "a meanness in insisting upon it, because it was a word of dubious meaning, and had been adopted for that very reason." Burnet, 815

their efforts were fruitless: in a house of ninety-nine members, the previous question was carried by a majority of five voices, which increased to eleven in support of another motion to strike out the clause affirming that "the throne was vacant." Thirty-six peers immediately entered their dissent in the journals*.

The result of this debate awakening hope in the one party, and apprehension in the other, stimulated both to new exertion. The lord Preston sent to the two speakers letters from James, in which he first recited his previous letters of the 4th of January to the lords of the council, stating the necessity which had compelled him to withdraw, and his intention of returning as soon as it could be done with safety; and then proceeded to declare that he was ready to come back to England, and, with the advice of a parliament called according to law and held without constraint, to redress every grievance, to secure to the established church all its rights and pre-eminence, and to extend to dissenters indulgence in such way as should minister no reasonable cause of suspicion or jealousy. The chief object of this letter was to furnish proof that James had not abdicated the throne; but his opponents were on the watch, and obtained a vote in each house that the letter should not be opened, on the pretence that there was no satisfactory proof of its authenticity†. On the other hand, the lord Lovelace and William Killigrew called together the populace, and, at their head proceeded to Westminster with a petition that the crown should be given without delay to the prince and princess of Orange. But both houses resented this attempt to influence, by external force, their deliberations and refused to receive the petition on a point of form, because it was without signature‡.

Hitherto the prince had appeared to act as if he felt

* Lords' Journ. 112, 113. Clarendon's Diary, Jan. 31. Kennet, 516.

† Life of James, ii. 286, 291. Lords' Journ. 114. Clarendon's Diary, Feb. 2. Kennet, 509.

‡ Clarendon, *ibid.* and Feb. 4. Reresby, 305.

no personal interest in the proceedings of the convention, and was nothing more than an officer of government appointed to preserve the public peace. Now, however, that he saw the crown sliding from his grasp, he deemed it advisable to break that silence which he had hitherto maintained, and to disclose in conversation his opinions and feelings with respect to the royal authority; but still with a coldness of manner and a tone of indifference which, though intended to disguise, served only to betray, his disappointment and vexation. He began by complaining of the time which had been wasted in useless debate—not that he was interested in the result—but because it detained him inactive in England, when the events passing on the continent imperiously demand his presence in Holland. In a great meeting of his adherents at lord Devonshire's, after a long debate between Halifax, who maintained that the crown ought to be offered to the prince, and Danby, who contended in favour of the princess, the former turning to Fagel, the Dutch counsellor, inquired what was the real wish of William. Fagel, with true diplomatic finesse, made many apologies, knew nothing of William's mind; but, if he must give an opinion, he thought that the prince would never submit to be gentleman-usher to his wife. "Then," said Danby, "you all know enough, and I far too much *."

After this opening, William, sending for Halifax, Danby, Shrewsbury, and the leaders of his party, said that if any persons intended to appoint him regent, they might spare themselves the trouble: for the regency was an office which he would never accept, adding, in allusion to the schism among themselves, that he long ago made up his mind on the nature of the relations between husband and wife, and that as long as he was married, he would be the head of his family. No man was more ready than himself to acknowledge the per-

* Dalrymple, App. 342.

sonal worth of the princess. She deserved a throne, and he should rejoice to see her seated on it; but while he was her husband, he would never be her subject, nor consent to hold the crown by her apron-strings*.

These hints produced the intended effect. They pointed out to his partisans the duty expected from them, and made it a subject of consideration with his opponents, whether it were not more advisable to offer the crown to him as a voluntary gift, than to compel him to seize it by open force. The commons rejected, without hesitation, the amendments made by the lords; and a first conference between the two houses, which produced no result, was followed by a second, under the name of a *free* conference, in which the lords maintained, as they had done before, that the king, having *deserted* the government, might be considered civilly dead; and that a regent must of course be appointed to exercise the office in his name during his natural life, but that at his death the royal authority would devolve by law on the next heir. Hence the throne could not be vacant: if it were, the nation would have to choose a king, and would thus render that crown elective, which, by the constitution, is hereditary. The commons replied that they had no commission to discuss consequences, but to maintain the fact, that, by the forfeiture of James, the throne was actually vacant. That was a position which the lords could not dispute. They had established it by their own vote, calling upon the prince to assume the temporary government of the realm. For, if the throne was not vacant, the government would of right belong to the prince in possession. To this reasoning no direct answer was returned: but the lords inquired whether, according to the doctrine of the commons, James had forfeited for himself only, or for all his posterity?—a perplexing question, on account of the

relationship of Mary to the king; which, however, was met with another question equally embarrassing to the lords,—If the throne was full, who was the prince in possession?—Thus, after much argument, and much evasion, the second conference terminated, as the first had done, without concession, or approach to accommodation on either side*.

The conservatives, though they claimed the superiority in point of argument, could not conceal from themselves that it was in vain, with a feeble majority in the house of lords, to contend against the prince at the head of a foreign army, in possession of the capital and supported by two-thirds of the house of commons. Several began to waver; and William, to gratify the friends of the princess, condescended to declare, that he had no objection to be associated with her on the throne, while she on her part begged as a personal favour that the whole burden of the government might be laid on her husband. When the house met after the last conference, it appeared that some of the conservatives were absent, and that the party of the prince had been reinforced by the arrival of a few lords, who had hitherto kept aloof, some through infirmity, and some through disinclination. Halifax rose. He praised the motives, but disputed the wisdom, of his opponents. The present was a case of necessity, which had not been foreseen. To adhere to the strict line of succession was impossible: it was then their duty to supply the existing defect in that manner which in their judgment would prove most beneficial to the nation. When that was done, they might provide that the crown should in future times descend according to the law of inheritance. On a division the house agreed to the original votes of the commons by a majority of four; and that majority, on the motion

* See the reasoning on both sides in *Parl. Hist.* v. 64. 108. *Life of James, II.* Keene, 510 512.

that the prince and princess of Orange be proclaimed king and queen, instantly increased to about twenty*. Against this second vote no protest was entered on the journals: but thirty-eight peers recorded their dissent to the first†.

In the next place it was agreed, in compliance with the alleged wish of the princess, that, though William and Mary were equal in rank as king and queen, yet the exercise of the royal authority should be vested in William exclusively during his life: an arrangement to which her friends assented with the less reluctance, because, from the infirmities to which he was subject, they cherished the expectation that she would survive him. At the suggestion of lord Nottingham, an alteration was Feb. 7. made at the same time in the oath of allegiance by the omission of the epithets *rightful* and *lawful*, which it was contended referred to a pre-existing title, and could not, therefore, be applicable to sovereigns succeeding not in accordance with, but in opposition to, law and right. William made no objection, under the notion that such omission might abate some of the scruples manifested by the more conscientious adherents of the dethroned monarch, though it afterwards led to an inconvenience which had not been foreseen, the doctrine that, according to the oath, William and Mary were king and queen not *de jure*, but *de facto* only‡.

* Lords' Journals, 118, 119. Clarendon's Diary, Feb. 6. According to Kennet, the majority was only twenty, to Clarendon twenty-five. But he numbers 119 peers as present, whilst the journals mention only 112. If we may believe lord Montague in a letter to William, he had the merit of procuring the first majority of four, by inducing the earl of Huntingdon, the bishop of Durham and lord Ashley to vote with him in favour of William. "The motion," he says, "was carried but by these three voices "and my own." Dalrymple, App. 340.

† Kennet tells us the four dukes were brought over, viz., the duke of Ormond, and the three natural sons of Charles II. (Kennet, 510): but this must be a mistake for the signatures of Ormond, Grafton, and Northumberland, three of the four, are found among those of the thirty-eight protesting peers. See Lords' Journals, 119.

‡ Lords' Journ. 119, 120. Clarendon's Diary, Feb. 6. Burnet, 832. Burnet, and Lloyd, bishop of St Asaph, undertook to prove that the prince was king also *de jure*, and adopted for that purpose the favourite

Jan. But before this a question had been asked in the
 29. house of commons most unpalatable to the expectant sovereign, and most annoying to his more zealous supporters. Was the nation, after the expulsion of James, to be placed at the mercy of William, without any provision against those acts of oppression on the part of the crown, from which they had recently been delivered? Why should not the original compact between the king and the people, to which so many appeals had been made in the recent debates, be now at least reduced to writing? Why should not the new king be told what were the rights of Britons, and on what conditions he received the crown from their hands? At these questions William was offended and alarmed. Hints were conveyed to the leaders in the commons, that he seriously entertained the design of abandoning England altogether, and of hastening with the Dutch army to the defence of Holland against the French monarch; and his adherents were instructed to argue, that the convention had been called for one object only, to fill up the vacancy left by the withdrawal of the late king: that to pass laws which should define or restrict the prerogatives of the crown, was the office, not of a convention, but of a parliament; and that the evils arising from the present interregnum were so great and so numerous, that the safety of the nation allowed not sufficient leisure for the consideration of a question involving interests so complex and important. But these evasions were urged to no purpose. The prince himself

maxim of Cromwell. God had given to William the victory over James: therefore, whatever belonged by right of law to James, had been transferred by right of conquest to William, and among the rest the crown and royal authority. A pamphlet in support of this doctrine was, however, burnt by order of the house of commons. The earl of Nottingham applied the same principle in a different manner. The nation had been the ally of William, therefore no national rights had been transferred to William by conquest, but he (Nottingham) had opposed him, and been conquered by him: therefore his services now belonged by right to the prince. This ingenious sophism was invented, to justify the acceptance by Nottingham of the office of secretary of state to the new sovereign.

saw that something was to be conceded, to satisfy the just expectations of the people: and a compromise was made between the opposite leaders, that the offer of the crown should be preceded by an enumeration of the arbitrary acts attributed to James, and a declaration of the rights claimed by the nation in opposition to those acts: but that, if any amendment of the old laws, or any introduction of new laws, should be thought necessary, that task should be reserved to the wisdom of the succeeding parliament*.

With this understanding an instrument was framed, Feb. which, after several conferences and amendments, ob- 12.
tained the approbation of both houses. It stated that, whereas the late king James II. had assumed and exercised a power of dispensing with and suspending laws without consent of parliament; and had committed and prosecuted certain prelates, because they had petitioned to be excused from concurring with the said assumed power; and had erected a court of commissioners for ecclesiastical causes, and had levied money for other time and in other manner than had been granted by parliament; and had kept up a standing army in time of peace without consent of parliament: and had quartered soldiers contrary to law; and had dismissed several good subjects, being protestants, when papists were both armed and employed contrary to law; and had violated the freedom of election of members to serve in parliament; and had prosecuted in the court of king's bench for matters and causes cognizable only in parliament.

And whereas—besides these the personal acts of the late king—partial, corrupt, and unqualified persons had of late years been returned on juries, and jurors not freeholders had been admitted to serve on trials for high treason: and excessive fines had been imposed, and illegal and cruel punishments had been inflicted, and grants of fines or forfeitures had been made before

* *Parl. History*, v. 52, 58. *Burnet*, 822.

conviction or judgment ; all of these practices being utterly and directly contrary to the known laws, and statutes and freedom of the realm.

And whereas the said late king James II., having abdicated the government, the throne was thereby become vacant.

Therefore, the lords spiritual and temporal and the commons assembled in a full and free representative of the nation, did in the first place, for the vindication and assertion of their ancient rights and liberties, declare—

That to suspend the execution of the laws by regal authority without consent of parliament, or dispense with laws or the execution of laws by regal authority, *as it had been assumed and exercised of late* ; that to erect courts of commissioners for ecclesiastical causes, and such like courts and commissioners ; that to levy money in any other way or for any other purpose than granted by parliament ; that to prosecute the subject for petitioning, which is the subject's right, and to keep a standing army in time of peace without consent of parliament, are all contrary to law ; that protestant subjects may have arms for their defence, suitable to their condition ; that the election of members of parliament ought to be free ; that freedom of speech in parliament ought to be impeached nowhere but in parliament ; that no excessive bail, nor excessive fines, nor cruel and unusual punishments ought to be awarded ; that jurors ought to be duly impannelled, and in trials for high treason ought to be freeholders ; that grants and promises of fines and promises before conviction are illegal and void ; and that for redress of grievances and the amendment of laws parliaments ought to be frequently held :

And they did claim, demand, and insist upon all and singular the premises as their undoubted rights and liberties ; and having an entire confidence that the prince of Orange would preserve them from the violation of all these rights and of all other their rights, they did therefore resolve, --

That William and Mary, prince and princess of Orange, be, and be declared, king and queen of England, France and Ireland, and of the dominions thereunto belonging, to hold the same during their lives, and the life of the survivor of them; and that the sole and full exercise of the royal power should be only in, and executed by, the said prince of Orange in both their names during their joint lives, and that after their decease the said crown should be to the heirs of the body of the said princess, and for default of such issue to the princess Anne of Denmark and the heirs of her body, and for default of such issue to the heirs of the body of the said prince of Orange*.

Hitherto Mary had been suffered to remain unnoticed in Holland. It was believed that the prince, jealous of her title, was resolved to owe nothing to the presence or the pretensions of his wife: but the moment he became sure of his object, of obtaining the crown as his own for life, she received directions to come to England, and reached St. James's in the eighth week after the expulsion of her father by her husband's order from the same palace. Hers was undoubtedly an extraordinary situation: and curiosity was alive to watch her conduct, when she met the numerous and brilliant court which had assembled to greet her on her arrival. That conduct was not such as to do her honour. There was a levity in her manner which hurt the feelings of many even among her adherents: an affectation of gaiety, which suited not a daughter taking possession of the spoils of an exiled and affectionate father. She was herself aware of this impropriety, and afterwards alleged in extenuation, that she had acted a painful and unnatural part in obedience to the stern command of her husband. But if the reader recollect the celebration of the fast-day previous to William's departure from Holland, he

Feb.
12.

* See it in Lords' Journals, v 125

will remark that her behaviour on this, was perfectly in keeping with her behaviour on that, occasion*.

Feb. 13. The next morning the two houses proceeded in state to wait on the prince and princess at Whitehall. The lords were placed on the right hand, the commons on the left, at the lower end of the banqueting house. William and Mary, entering at the opposite end, stood under the canopy of state; and the speakers of the two houses with the members following them were conducted as far as the step by the usher of the black rod. The clerk then read the declaration of rights, and the marquess of Halifax made to the prince and princess the tender of the crowns of England, France, and Ireland, in the name of the convention, "the representative of the nation." William replied for himself and his wife, that they thankfully accepted the offer; the more so, as it was a proof of the confidence reposed in them by the whole people. "And," he added, "as I had no other intention in coming hither than to preserve your religion, laws, and liberties, so you may be sure that I shall endeavour to support them, and be willing to concur in anything that shall be for the good of the kingdom, and to do all that is in my power to advance the welfare and the glory of the nation." This answer, so laconic and jejune, disappointed the expectation of the hearers; and the cautious and measured language, in which the new king avoided any direct notice of the declaration of rights, induced many to doubt the sincerity of his previous professions. Was it then possible, they asked, that, after all, he was at heart an enemy to liberal institutions? With the blood of the Stuarts had he also inherited their love of arbitrary sway? But the die was cast. He had accepted for himself and the princess the sceptre which they had offered, and it was

* Burnet, 825. See the story told by the duchess of Marlborough (Apol. p. 14). Lord Dartmouth will not believe it yet he states from his own recollection that "she (the princess) put on more airs of gaiety on that occasion than became her, or were natural to her." New Burnet, 111 385, note.

now too late to bargain for conditions. William and Mary were proclaimed king and queen in the name of “the lords spiritual and temporal, and of the commons, “together with the lord-mayor and citizens of London, “and others of the commons of the realm,” at the gate of the palace at Temple-bar, in the midst of Cheapside, and in front of the Royal Exchange*. The reign of James had expired with his flight to the continent: that of William and Mary commenced on this important day.

* *Lords' Journals*, 126, 7. *Parl. Hist.* v. 108 113. *Reresby*

NOTES.

NOTE (A), Page 8.

EXTRAIT D'UNE LETTRE DE M. DE BARILLON AU ROI.

12 Mars, 1685

LE ROI d'Angleterre manda, il y a deux jours, l'archevêque de Cantorbery, l'évêque de Londres, et quelques autres. Il se plaignit à eux de ce que les prédicateurs s'emportoient dans leurs sermons contre la religion catholique, et faisoient apprehender au peuple la ruine de la religion protestante ; qu'il ne pouvoit souffrir une chose si opposée au bien de l'état, et à la tranquillité publique. Ils lui promirent d'y mettre ordre, et de contenir les prédicateurs dans de justes bornes. Ils répondirent même de la conduite et des discours de ceux qui dependoient d'eux, et donnèrent de grandes assurances de leur fidélité. Sa M. B. leur dit en les congédiant : Messrs. je vous tiendrai ma parole, et n'entreprendrai rien contre la religion établie par les lois, si vous ne me manquez pas les premiers ; mais si vous ne faites votre devoir à mon égard, n'attendez pas que je vous protège, et croyez que je trouverai bien les moyens de faire mes affaires sans vous. Ces paroles, prononcées avec fermeté, les ont intimidés : mais je doute fort que cela puisse faire changer le fonds de leur conduite.

Il y a deux partis parmi les évêques. L'un est celui de l'archevêque de Cantorbery, qui est fort modéré à l'égard des catholiques, et fort royaliste ; l'autre est celui de l'évêque de Londres, qui, sous prétexte de zèle pour la religion protestante, peut faire beaucoup de mal au Roi d'Angleterre.

Son maxime fondamental est la persécution non seulement des catholiques mais de tous les nonconformistes. Il est fort difficile de concilier leurs intérêts et leurs desseins avec ceux de sa M. B. : et il ne paroit pas praticable de laisser les catholiques en repos, et avec l'exercice libre de leur religion dans leur maisons, pendant qu'on obligera par des punitions rigoureuses les non-conformistes et tous les autres sectaires à se conformer à l'église Anglicane.

C'est ce qui rend les catholiques plus portés à conseiller à sa M. B. de ne rien espérer du parti episcopal, et de ne rien prétendre pour la religion catholique qu'une pleine liberté de conscience pour toutes les religions dont l'Angleterre est remplie. C'est un parti que le Roi d'A. ne veut prendre qu'après avoir éprouvé s'il peut établir ses affaires par le moyen du parti Episcopal, en sorte qu'il n'ait plus rien à craindre des autres. Il se flatte que l'église Anglicane est si peu éloignée de la catholique qu'il ne serait pas mal aisé de ramener la pluspart d'entre eux à se declarer ouvertement : et lui même m'a dit plusieurs fois, ils sont catholiques Romains sans croire l'être.

NOTE (B), Page 43.

Monmouth's letter to the king contained several mysterious expressions, which have given birth to numerous conjectures. "The chief end of this letter is only to beg of you that I may have that happiness as to speak to your majesty: for I have that to say to you, sir, that I hope may give you a long and happy reign. . . . I can say no more to your majesty now, being this letter must be seen by those that keep me. . . . Could I but say one word in this letter you would be convinced" (of his zeal for the king's service): "but it is of that consequence that I dare not do it." His letter to lord Rochester is in the same mysterious style. "I have that to say to him which I am sure will set him at quiet for ever. . . . I can give him such infallible proofs of my truth to him that, though I would alter, it would not be in my power." Clarend. Corresp. i. 143. See also his letter to the queen dowager in Ellis.

From these passages it is evident that Monmouth pretended to be in possession of some information of tremendous importance to the king, and of such a nature that it could

not be safely committed to writing, yet would, if it were to reach the royal ear, merit for him the pardon of his treason. To what could that information relate? Some say to the secret participation of the prince of Orange in the late attempt. But, as Mr. Fox has observed, this hypothesis is totally destroyed by the appeal of the duke to the prince and princess of Orange, to bear testimony of the assurances which he had given them of his resolution "never to stir against the king." Others have supposed that it related to Sunderland, and that that minister was in reality an accomplice in the treasonable attempt. That such was afterwards the prevalent opinion among the followers of the exiled monarch at St. Germain's, is certain: but they were prepared to believe anything to the prejudice of Sunderland, and had read in Ferguson's narrative that Monmouth had promised to Sunderland the office of secretary which he held under the king. From the printed memoirs of James we may infer that the same was also the belief of that monarch's son: but the story which is there told in support of the charge is not worthy of credit. It is plainly derived, not from the king's memoirs, but from some other source. It tells us that Monmouth confided his secret to Sheldon, to be by him communicated in private to James; that James commanded Sheldon to deliver his message in the presence of Sunderland; and that, when he told him from Monmouth that Sunderland was a traitor, the secretary treated it as a ridiculous subterfuge adopted by the prisoner to save his life (ii. 34). But, if this were so, how can we account for the silence of Monmouth on that head, both when he was in the presence of the king, and afterwards, when lord Feversham visited him in the Tower by order of the king, to receive any communication which he might have to make?

There is another traditionary version of the story, which conveys the information in a letter from Monmouth after he was sent to the Tower, and makes Sunderland intercept it at the door of the royal closet, where he refused entrance to the messenger under pretence that the king was changing his shirt. (*Clar. Corresp.* i. 144, 145.) But we know that the letter which Monmouth sent from the Tower was actually delivered to the king, and that in consequence Feversham waited on Monmouth to receive his

communication, which proved to be nothing more than what he had previously made.

After all, it is most probable that this unfortunate nobleman had in reality nothing of great importance to disclose, and that he put forth these promises merely to excite curiosity and obtain an interview with the king. It was not the first time that he had employed such an artifice. Expressions of very similar import may be found in his letter to Charles II. at the time when he was charged as an accomplice in the Rye-house plot. That he would endeavour to redeem his pledge during his conference with James, which lasted forty or fifty minutes, by making every discovery in his power, there can be no doubt. He is said to have narrated the whole progress of his own attempt; he might perhaps add what he had learned of the designs of William from his conversation with that prince, perhaps detail the particulars of the intrigue for the banishment of James towards the close of the last reign, so artfully conducted by Halifax, who, it will be observed, was soon after this interview dismissed from office by James, with the remark that it was for reasons locked up within his own breast—but, whatever were the disclosures of Monmouth, they were not deemed of sufficient importance to atone for his repeated offences. James, in his letter to the prince, of July 14th, says “the duke of Monmouth and lord Grey desired very earnestly to speak with me, which they did, but did not answer my expectations in what they said to me.” According to Barillon, “il a déclaré n’avoir eu aucun secours de personne, et qu’il est venu ici avec deux cent piécés seulement, que les armes qu’il a achetées ne lui coutoient que 800 piécés, et que ses pierreries avoient été suffisantes. Il s’excusa de ce qu’il a fait sur les instances et les reproches de son parti qui l’accusoient de manquer de courage. Il esperoit une révolte sur plusieurs points d’Angleterre.— Il y a des gens qui croient que M. le duc de Monmouth a parlé contre le P. d’Orange. Mais je n’en ai rien pénétré; et, par tout ce que je puis savoir, M. le duc de Monmouth n’a rien dit de fort important. . . . Il demanda une seconde fois de parler au Roi d’A.; mais on ne le lui permit pas. Il parla seulement à mylord Feversham, à qui il ne dit rien de conséquence.” Barillon, 23, 30 Juillet.

NOTE (C), Page 98.

EXTRAIT D'UNE LETTRE DE M. DE BONRE-PAUS A M. DE SEIGNELAY.

4 Sept. 1687.

“ Un homme de condition de la cour d'Angleterre, qui a l'entière confiance de myl. Tirconnel, et dont il se sert pour toutes les affaires secrètes qu'il a à faire proposer au Roi son maître, m'a dit que son ami lui avoit permis de s'ouvrir à moi sur la vue qu'il avoit, qu'en cas que le Roi d'A. vint à mourir, il prenoit des mesures pour ne point tomber sous la domination du P. d'Orange, et pour se mettre sous la protection du Roi. Il auroit souhaité que je fusse allé à Chester, où myl Tirconnel doit se trouver, pour conférer ensemble sur ce projet. Mais, comme j'ai connu par ses discours que l'intention de myl. Tirconnel étoit de demander qu'on fit à présent dans les magasins des provisions d'armes, de selles, et d'autres choses, qu'il croit ne pouvoir trouver facilement en Irlande en cas de besoin, je n'ai pas eu devoir entrer dans une négociation de cette nature sans en avoir un ordre exprès. J'ai seulement dit que je garderois le secret, qu'on m'a fort recommandé, surtout à l'égard de M. de Barillon, qu'on craint à cause de myl. Sonderland, et que, si au retour de Chester on avoit quelque chose de plus particulier à me dire, je vous en écrirais pour recevoir les ordres du Roi, que cependant il me paroissoit que le Roi d'A. n'étoit point en état par son âge ni par sa santé de faire songer à prendre des mesures si éloignées. Ce même homme m'a dit que myl. Sonderland faisoit entendre à myl. Tirconnel que son dessein étoit de se retirer en Irlande en cas d'accident, mais que ce dernier ne se fioit point à l'autre. J'ai su aussi par le marquis d'Albeville que la plus grande inquiétude du P. d'Orange est que l'Irlande ne se met en état avant la mort du Roi d'A. de pouvoir se soustraire de sa domination, lorsqu'il viendra à la couronne. J'ai cru qu'il ne falloit point témoigner plus d'empressement pour une proposition de cette nature. On sera toujours assez à temps à revenir à un homme qui fait de ces sortes d'avances, si le Roi le trouve à propos. Je sais bien certainement que

l'intention du Roi d'A. est de faire perdre ce royaume à son successeur, et de le fortifier en sorte que tous ses sujets catholiques y puissent avoir un azile assuré. Son projet est de mettre les choses en cet état dans le cours de cinq années. Mais m^r Tirconnel le presse incessamment pour que cela se fasse en moins de temps : et effectivement sa M. B. y a envoyé depuis huit jours un vaisseau chargé de poudre, armes, et mortiers à bombes, à la sollicitation de cet homme qui m'a parlé."

M. DE SEIGNELAY A M. DE BONREPAUS.

29 Sept. 1687.

"J'ai rendu compte au Roi de ce que vous m'écrivez sur ce qui vous a été proposé de la part de m^rl. Tirconnel, et S. M. trouve l'affaire très importante. Mais il faut que vous preniez bien garde avant de répondre à celui . . . qu'il ne le faut pas faire légèrement, ni sans être assuré qu'il a une créance positive de m^rl. Tirconnel. Cela étant, vous pouvez lui dire que le Roi agréé les propositions qu'il fait, et que, la conjoncture arrivant de la mort du Roi d'A., s'il se trouvoit en état de se soutenir dans l'Irlande, il pourroit compter sur des secours considérables de la part de S. M., qui fera disposer toutes les choses nécessaires à Brest pour cet effet. Et comme une matière de cette importance demand un secret impénétrable, il est bon que vous l'assuriez que cela ne passera pas par M. de Barillon, et que vous preniez des mesures pour une correspondance directe avec m^rl. Tirconnel, afin qu'en cas de besoin on puisse discuter avec lui les conditions sous lesquelles S. M. lui pourroit accorder ses prétensions et les secours dont il auroit besoin, pour maintenir la religion catholique dans l'Irlande, et séparer ce royaume du reste de l'Angleterre, en cas qu'un prince protestant parvint à la couronne."

NOTE [D]. Page 127.

In the spring of 1689 Sunderland published a vindication of himself (Cogan's Tracts, vol. m.), in which he acknowledged his error in consenting to form part of an administration so hostile to the interests of the country, but maintained that, instead of advising, he had always

opposed those illegal and irritating measures which provoked the discontent of the people, and led to the expulsion of James. But the circumstances in which he wrote detract from his credit, and the despatches of his friend Barillon show that several of his assertions are false.

By the partisans of the exiled prince he was charged not only with having advised and promoted the measures which deprived James of his crown, but also with having done it for that very purpose. But of the latter part of the charge there is no proof: and his conduct may be fairly explained, by attributing it to his desire of gratifying the king, and thus acquiring power. This is the light in which it was considered at the court, and by the foreign envoys.

That he was the pensionary of France is certain. The payments and acquittances are still preserved. In return, he bound himself to communicate to the French ambassador whatever he might learn which could affect the interests of the French king. But it was not to be expected that a man who was unfaithful to his own sovereign would be strictly faithful to his engagement to a foreign prince. "M. de Barillon," says Bourepaus, "est très considéré en cette cour, et ami intime de myl. Sonderland, qui lui dit beaucoup de nouvelles, mais je ne suis si persuadé que lui, qu'il lui dise tout ce qu'il sait. J'ai eu occasion de lui faire remarquer des choses que myl. Sonderland ne lui avoit point dites." Bourepaus, 4 Jun, 1687.

That he also betrayed the secrets of the king to his enemy the prince of Orange, has often been asserted: the charge, though never fully proved, is not devoid of probability.

On the 11 July, 1678, Bourepaus writes to Seignelay: "Myl Sonderland semble être entièrement dévoué au Roi son maître, et va au delà de tout ce qu'il peut souhaiter pour l'avancement de la religion catholique, mais il fait contre, de l'autre côté, que cette même conduite, dont il ne se cache point, doit persuader au prince d'Orange qu'il est capable de tout hasarder pour lui, lorsqu'il sera temps. Ce raisonnement est appuyé de la connoissance que j'ai, qu'il entretenoit un commerce secret avec le P. d'Orange par le moyen de sa femme. On leur prit, il y a quelque temps, des lettres qu'elle écrivoit à Mr. Sydney, qui est présentement auprès du P. d'Orange, et fort bien avec lui. Le Roi d'A. a eu connoissance de ces lettres, que madame de Son-

derland a desavouées ; et myl. Sonderland s'est tiré d'affaire en disant que, quand même ces lettres de sa femme n'eussent point supposées, il seroit impossible qu'il y eut aucun part : qu'on ne sçait que trop que sa femme étoit soupçonnée d'avoir un commerce de galanterie avec Sydney, et qu'il n'étoit pas vraisemblable qu'il mit toute sa fortune et sa vie entre les mains d'un homme qu'il doit haïr."

The contents of these intercepted letters are noticed in a memorial in the dépôt, in volume 154, Supplement, 1687, 1688. "Madame de Sonderland le prioit de faire comprendre au P. d'Orange que son mari étoit obligé de consentir malgré lui à tout ce qui se faisoit à l'avantage de la religion catholique : mais que, puisque la fidélité qu'il devoit au Roi son maître le forçoit d'agir contre ses propres sentimens, c'étoit une assez grande preuve de la fidélité qu'il auroit pour le P. d'Orange s'il se trouvoit en place lorsqu'il viendrait à la couronne. Ces lettres ont été desavouées de M. et de Mad. de Sonderland. Mais les soupçons ont été renouvelés à l'occasion du voyage que le sr. Felton est allé faire en Hollande."

On the 1st of August, probably in consequence of this information, Louis wrote to Barillon : "J'apprends d'ailleurs que celui d'ont je vous écris a de grandes liaisons avec le P. d'Orange, et qu'il est même tellement attaché aux intérêts de ce prince, qu'il entretient des correspondences secrettes avec lui, non seulement contre mes intérêts, mais aussi contre ceux du Roi de la G. Bretagne. Ainsi vous devrez observer de plus sa conduite, et lui faire connoître que j'ai droit de me promettre qu'il vous avertira plus fidèlement à l'avenir au moins de ce qu'il jugera bien pouvoir altérer la bonne intelligence, qu'il y a présentement entre moi et le Roi de la G. Bretagne."

Barillon defended his friend, as far as he durst, in his answer of August 4. "A l'égard des avis qu'a V. M. sur une correspondance secrette d'une personne considerable en ce pays-ci avec le P. d'Orange, je n'ai garde de contester un fait, ni de revoquer en doute la vérité des avis que V. M. peut avoir, quoique cela n'ait aucun rapport avec tout ce que je sais. Je serai autant appliqué que je le dois à pénétrer ce qui en est. M. d'Avaux m'en avoit mandé quelque chose, il y a deux ou trois mois, mais je crus en ce temps là que cela n'avait d'autre fondement que des dis-

cours tenus ici, dont la personne intéressée s'est moquée. La chose en soi est si importante qu'on ne peut trop prendre de soin pour l'éclaircir. Je supplie cependant V. M. de suspendre son jugement, jusqu'à ce qu'on puisse, s'il est possible, découvrir la vérité."

About the end of the year Louis informed Barillon that the same charge against Sunderland had been recently made by Skelton, the English ambassador at Paris. Barillon replied that he could discover nothing to confirm it: on the contrary Sunderland constantly acted in opposition to the views of the prince, was the warmest advocate of every measure in favour of the catholics, and was even resolved to declare himself a catholic whenever the king should require it. Barillon, 9 Janvier, 1688.

On May 20, 1688, D'Avaux, in answer to an inquiry made by Louis, replies that most certainly the prince and princess of Orange are made acquainted with everything that passes in the most secret councils of James: that he has often complained to Barillon of the many visits paid by Sydney to the prince; and that Barillon in answer has acknowledged the consideration which Sunderland has for Sydney, and alleged the hardship it would be to prevent the latter from paying his court to the prince, as he had nothing to hope from the king. D'Avaux concludes thus: "J'ai toujours crû que myl Sunderland n'a pas été fâché, que M. de Sydney fut si bien auprès du P. d'Orange, pour avoir dans un changement de gouvernement un homme qui le maintint. Quoiqu'il en soit, on est persuadé ici, que M. de Sydney ignore peu de choses de ce que savent M. et M^{re}. de Sunderland, et il est certain que le P. d'Orange n'ignore rien de ce que sait le sieur de Sydney." D'Avaux, 20 Mai. *Négociat.* vi. 75 See also note to Burnet, 111. 301.

Though these passages contain no direct proof, the charge contained in them is strongly confirmed by a letter from the private cabinet of William, published by Dalrymple (p. 187). It is written to the prince by lady Sunderland on March 7, 1687; and in it she warns him of certain propositions to be offered to him by the king, advises him to reject them, and apologizes for having addressed him directly, on account of the absence of Mr. Sydney, the "only person whom she trusted."

Barillon, on the disgrace of Sunderland, was careful to

inform his sovereign that the king did not believe that Sunderland had betrayed him. On ^{Dec 9,}_{Nov 19,} he mentions him again, but in a different manner. "Myl. Sunderland est ici, et a quitté Windsor. Le Roi d'Angleterre s'explique durement à son sujet." James, in his memoirs, appears to countenance the belief of his duplicity and treachery. *Memoirs*, ii. 187.

At the revolution Sunderland left England for Amsterdam, but wrote to William that it was by the advice of his friends, and not in pursuance of his own judgment: "for I thought I had served the public so importantly in contributing what lay in me towards the advancing of your glorious undertaking, that the having been in an odious ministry ought not to have obliged me to be absent." Mar. 8th, 1689. *Dalrym. Ap.* part 11, p. 3.

Some years later William gave 10,000*l.* to lord Dorset to quit the chamberlain's staff, which he bestowed upon Sunderland. "I have always been persuaded," says lord Hardwick, "from the signal confidence which king William reposed in this lord through the whole course of his reign, that he had received some particular services from him at the time of the revolution, which no one else could have performed: and perhaps this reserved and cautious prince liked him the better for being only *his* man. Both parties (Whigs and Tories), and no wonder, were much embittered against him." Note to Burnet, iv. 369.

On the whole, there can be little doubt that Sunderland, to secure the favour of the prince of Orange, betrayed to him, occasionally at least, the secrets of his sovereign, in violation of his duty and his oath. His assertion that he had "contributed all that lay in him to the advancing of the revolution" may also be true; but most probably it was nothing more than an afterthought, artfully put forward for the purpose of claiming merit to himself for that from which he had hitherto merited blame.

NOTE (E), Page 193.

The two following letters to Louis XIV. relate to the escape of the queen with her son. The first was written by Mary on her arrival on the French coast, the second by James himself after his return from Faversham to London.

SIRE,

Une pauvre reyne fugitive, et baignée dans ses larmes, n'a point eu de peine à s'exposer aux plus grands perils de la mer, pour venir chercher de la consolation et un asile auprès du plus grand roi, et du plus généreux monarque du monde. Sa mauvaise fortune lui procure un bonheur que les nations les plus éloignées ont ambitionné. La nécessité n'en diminue rien : puisqu'elle en a fait le choix, et que c'est par une estime singulière qu'elle veut lui confier ce qu'elle a de plus précieux en la personne du prince de Galles son fils. Il est encore trop jeune pour en partager avec elle sa juste reconnaissance. Elle est toute entière dans mon cœur, et je me fais un plaisir, au milieu de tous mes chagrins, de venir à l'ombre de votre protection.

LA REYNE D'ANGLETERRE.

MONSIEUR MON FRERE,

Comme j'espère que la reine ma femme et mon fils ont dès la semaine passée mis pied à terre en quelques uns de vos ports, j'espère que vous me ferez le plaisir de les protéger ; et sans que malheureusement je fus arrêté en chemin, j'y aurois été moi même pour vous le demander pour moi même aussi bien que pour eux. Votre ambassadeur vous rendra compte du mauvais état de mes affaires, et vous assurera aussi que je ne ferai jamais rien contre l'amitié qui est entre nous. Etant très sincèrement, Monsieur mon frere, votre bon frere,

JACQUES, ROI

A Whitehall, ce 7^e Dec. 1688.

Louis, on the 14th of December, wrote to Barillon :—" Je fus averti hier au matin par une lettre du comte de Lauzun que la reine d'A. étoit heureusement arrivée à Calais avec le P. de Galles, après avoir évité de grands dangers ; et j'ordonnai aussitôt au St. de Béringhen, mon premier ecuyer, de partir avec mes carrosses et les officiers de ma maison pour servir cette princesse et le P. de Galles dans leur voyage, et leur rendre les honneurs qui leur sont dus dans tous les lieux de leur passage. Vous informerez le roi d'A de ce que je vous écris"

NOTE (F), Page 210.

The following news-letter, which describes the reception
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of James by Louis at St. Germain's, may perhaps appear interesting to some readers.

A Versailles, le 7 Janvier, 1689.

Le roi alla hier après midi atteindre la reme d'A. jusqu'auprès Chaton. Dès qu'elle approcha, le Roi mit pied à terre, et elle descendit de carosse, aussi-tôt qu'elle l'aperçut. Le roi, monseigneur, et monsieur la baisserent, et les princes de sang ne la baisserent pas. Le roi, monseigneur, et monsieur monterent dans son carosse, et la conduisirent à S. Germain en Laye. Le roi lui donna la main jusque dans son appartement. Ils se traiterent réciproquement de majesté dans leurs discours. Elle appella toujours le Roi, sire, quoique la feue reine et madame la dauphine ne l'appelloient que monsieur. Le roi lui donna ensuite la main pour la mener dans l'appartement du prince de Galles, qui est celui des enfans de France à S. Germain, et là il la quitta sans qu'elle le conduisit. Le roi fit plus de caresses au Prince de Galles qu'il n'a jamais faites à ses propres enfans. Outre que la reine est servi magnifiquement à S. Germain, qu'on lui a donné toutes sortes d'officiers, et que le roi la defraie dans toutes choses, elle a trouvé ce matin six mille Louis d'or sur sa toilette dans une cassette fort propre.

Le même jour, 7 du courant, l'entrevue du roi et du roi d'A. s'est faite en S. Germain en Laye. Le roi y est arrivé à six heures du soir, et a été voir la reine d'A. qui étoit couchée. Il s'est assis au chevet de son lit, et y a demeuré environ demi heure, monseigneur étant debout auprès de lui, et tous les courtisans dans la chambre. Environ sur les six heures on est venu dire au roi que le roi d'Angleterre arrivoit. Il a ordonné qu'on le vint avertir, quand il commencerait à entrer dans la cour, et dès qu'on le lui est venu dire, il a quitté le reine, et est venu jusqu'environ au milieu de la salle des gardes. Et lorsque le roi d'A. a paru au haut du degré, il a avancé vers la porte, et ils se sont joints environ à six pas de la sentinelle au dedans de la salle. Dès que le roi d'A. l'aperçut, il a commencé à s'abaisser, et en approchant de sa majesté il s'est baissé si bas, que le roi a eu de la peine à l'embrasser. Ils se sont embrassés à quatre ou cinq reprises, toujours également baissés, et cela a duré pres d'un pater noster, sans qu'on ait entendu ce qu'ils se sont dits dans ces embrassements. Incontinent le roi l'a mené dans la chambre de la reine, lui

donnant la droite sur lui. Sa majesté l'a présenté en même temps à la reine en lui disant, "Madame, voilà un gentil-homme de votre connoissance, que je vous amène." Alors le roi d'A. a embrassé étroitement la reine son épouse en présence de tout le monde. Peu de temps après le roi a mené lui-même le roi d'A. chez le prince de Galles, et après l'avoir reconduit à la ruelle du lit de la reine, ils se sont séparés. Le roi d'A., fait une démonstration de vouloir reconduire le roi, et sa majesté lui a dit, "Monsieur, je crois que ni vous ni moi ne savons guère le cérémoniel de ces occasions, parce qu'elles sont fort rares, et ainsi je crois que nous ferons bien autant que nous pourrons d'en supprimer la cérémonie et l'embarras. C'est encore aujourd'hui chez moi. Vous voulez venir chez moi demain à Versailles, dont je ferai les honneurs, et après demain je reviendrai vous voir ici, et, comme ce sera chez vous, vous en userez comme vous voudrez."

Le roi d'A. avoit avec lui deux de ses enfans naturels. Il a paru avec un air assez gai, et assez riant, et la reine de son côté a paru comblée de joie. Le château de S. Germain est très superbement meublé, et magnifiquement éclairé. On a donné au roi et à la reine des valets de chambre, des huissiers, et toutes sortes d'autres officiers de même que le roi a, des gardes du corps des cent suisses, des gardes de la prévôté, mais il n'y a point des gardes d'infanterie. Jamais toilette ne fut plus propre, plus magnifique, ni plus abondante, et tout ce qu'on peut imaginer pour tous les besoins et la propreté la plus exquise des femmes, que celle qu'a trouvée la reine d'A. pour elle. Le roi a donné au roi d'A., pour son entretien, celui de la reine, et du prince de Galles, cinquante mille écus par mois.

APPENDIX,

OR

NOTES TO SOME OF THE PRECEDING VOLUMES.

Vol. III. p. 33, Note.—In most narratives of this transaction there occur so many mistakes, that I may be allowed to state the naked facts, as they appear in authentic documents still extant.

On the 1st of March, 1213, Innocent despatched what may be called his ultimatum to John. The bearers were two of his household, master Pandulph, a sub-deacon, and brother Durand, a friar (New Rymer i. 109). Of Durand we hear nothing more. Pandulph came to Calais, and thence, on the arrival of the king at Ewell, a house of the knights-templars near Dover, wrote to him by a messenger, whom John sent back with an answer on May 8th (*Rotulus Misæ*, p. 263). Pandulph came over, and on the 13th the king accepted the conditions proposed by Innocent, which contained no allusion to the transaction that followed (*Rym. iii.*). Neither is it probable that anything more was at that time in contemplation; for separate messengers were appointed by John, by Pandulph, and by the bishop of Norwich, to proceed with despatches to Rome, and on the next day, the 14th, these messengers received money for their expenses, with gratuities from the king, viz.: the abbot of Beaulieu and Ralph the Roman, 90 marks for expenses, and 10 marks of gratuity for the first, 5 marks for the other—they were the king's messengers. To James the messenger of Pandulph, and William of St. Owen, the messenger of the bishop of Norwich, he also gave gratuities (*Rot. Mis. 264*).

On the following day, the 15th, he put into the hands of Pandulph a charter by which he gave to, and received from, Innocent his kingdoms of England and Ireland to hold them to him, and his heirs by his wife, of the pope and his successors, by the yearly payment of 1000 marks. He then swore fealty in the presence of Pandulph, and promised to do homage, when it should be in his power to come into the presence of the pope (Rym. iii. 112). Thus concluded the transactions of that day. No money was then paid; no homage performed*.

The messengers arrived in Rome. On the 6th of July Innocent appointed a person of higher rank than Pandulph, Nicholas, bishop of Tusculum, to proceed to England with the title of legate of the apostolic see (Rym. 113). John, when he received the news of this appointment, was in the north: on the 19th of September he despatched ships to bring the legate and his suite to England (Rot. Lit. Claus. 151), and on the 28th reached the capital to meet him. On October 3, in St. Paul's, he took the oath of fealty a second time, "in the presence of the legate and of Pandulph:" performed homage, not to Pandulph, but to the legate as the representative of the pontiff, "*loro et vicarius domini Papæ*;" gave to him a charter of recognition, and paid the 1000 marks as the rent of the current year. "*De quibus, ne possit imposterum aliquid dubitari, ad majorem securitatem predictæ obligationis et concessionis nostre presentem cartam fieri fecimus, et aurea bulla nostra signari, ac pro censu hujus presentis et primi anni mille marchas sterlingorum per manum prædicti legati ecclesie Romane persolvimus.*" Rym. 115.

Of the manner in which the annual payment was sometimes made, sometimes omitted, and at last absolutely refused, the reader will find an account in vol. iv. 146: to which it may be added that the homage was never repeated by any of the successors of John, nor the oath of fealty ever taken by any but his son Henry, and by him only when he was but ten years old.

Vol. IV. p. 303, last line. *This prelate was brother to the earl of Wiltshire.*—So it is generally stated, but errone-

* The feast of the Ascension, from which John dated the years of his reign, did not fall, as I have stated in p. 33. on the 16th, but a week later, on the 23d of May.

ously; for he was the son of Richard lord Scrope of Bolton, and the earl of Wiltshire was of the Scropes of Masham.

Vol. V. p. 213, Note.—The contemporary tract, which is mentioned in this note as contained among the Harleian MSS. 543, has lately been printed for the Camden Society, under the eye of Mr. Bruce. It bears the title of “*Historie of the arrivall of Edward IV. in England, and the finall recovery of his kingdomes, A. D. MCCCCLXXI.*” It was apparently written immediately after the death of Henry VI., as it ends with the events of the 26th of May; and, we have reason to believe, by the order of Edward himself; for on the 29th of the same month that prince sent to his foreign friends at Bruges (and probably at other places on the continent) a messenger with an account of his success: which account appears to have been this very “*Historie*,” if we may judge from the abridgment of it still preserved with the copy of the king’s letter in the public library at Ghent. (See Introduction, vi. vii.) Hence it will follow, that this tract must be of high authority with respect to dates, and places, and the succession of events, but that it must be also liable to great suspicion on those particular points in which the character of the king is deeply concerned. We cannot expect that he should proclaim himself a perjurer and murderer; and therefore are not to be surprised, if we find in it no mention of the oath which he is said to have taken at York, or of the part which he is believed to have acted at the death of Edward, the Lancastrian prince of Wales, and with respect to that of the old king, Henry VI.

If we may believe Fabyan (660) and Polydore (517). at York Edward protested upon oath that he had no other object in view than the recovery of his rightful inheritance, as son of the late duke of York. Of this oath there is no trace in “*the historie*,” but it records his “*determination*” that he and all those of his fellowship should noyse and say “*openly, where so ever they came, that his entent and purpos was only to claime to be duke of Yorke, and to have and enjoy th’ enheritaunce that he was borne unto by the right of the full noble prince his fathar, and none other*” (p. 4). At three miles from York the recorder met him, “*and tolde him that it was not good for him to*

"come to the citie, for eyther he shuld not be suffred to enter, or els, in caas he entervd, he was lost and undone with all his." (p. 5.) "Within a while Robert Clifford and Richard Burgh gave him and his feloshipe bettar comfort, affirmyng that in the qwarel aforesayde of his father the duke of Yorke, he shuld be receyvyd and sufferyd to passe." (ibid.) At length he arrived at the gates of the city, and, whilst his army remained without, was suffered to enter "with xvi or xvii persons in the leading of the sayde Clifford and Richard Burgh, and came to the worshipfull folks which were assembled a little within the gates, and shewed them th' entent and purpos of his coming in such form and with such maner langage that the people contentyd them therwithe, and so receyvyd him and all his felawshipe." (ibid.) The next day he left the city. It appears to me that this very narrative, in other points confirmative of Polydore's narrative, is also confirmative of it in this, that, to content the worshipful folks of York Edward was compelled to take the oath before mentioned.

At the battle of Tewkesbury Edward was opposed to that portion of the Lancastrian force which was commanded by prince Edward. He put the young man and his followers to flight, and pursued the fugitives with great ardour. "In the wynnyng of the fiede such as abode hand-strokes were slayne incontinent, Edward, called prince, was taken fleunge to the towne wards, and slayne in the fiede." (30.) Hence it appears that the young prince did not abide hand-strokes, but was taken in his flight, and then slain. But by whose orders? "The historie" is silent. The chroniclers tell us that the captors took him to Edward, who asked him questions, and that he was then slain in his presence by his brothers, or their attendants. That he was taken to Edward is highly probable, for, as the king was in their company, the captors would of course present their prize to him: and the authors of the murder are significantly intimated by the best authority, the Croyland continuator. *Interfectis de parte Reginæ tum in campo tum postea, ultricibus quorundam manibus ipso principe Edwardo, unigenito Regis Henrici, victo duce Somersetiæ Comitique Devonix, ac aliis dominis omnibus et singulis memoratis.* Cont. Croyl. 555. Which I would translate thus:—"There

"were slain on the part of the queen either in the field or afterwards, prince Edward himself, the only son of king Henry, by the revengeful hands of certain individuals, the duke of Somerset after the victory, the earl of Devon and all and every the other lords mentioned." By the revengeful hands of certain individuals, he seems to refer to persons whose names he dared not record, and the man who fell by those hands could be no other than the prince. He at least is the only person of whom such a death is recorded; for the others that were not slain on the field perished by the hand of the executioner, after judgment given by the high constable and the earl marshal.

That which entirely destroys the credit of "the historie," where Edward's character, or that of his brothers, is concerned, is the account of the death of king Henry: that when he was told of the ruin of his party, "he toke it to so great dispite, ire and indignation, that of pure displeasure and melencoly he dyed." (p. 38.) No one doubts that he was murdered: and the continuator of the Croyland history in a manner states that his death was the work of one of the royal brothers; for, speaking of the man who dared to lay his sacrilegious hands on the anointed of the Lord, he adds, that the murderer (agens) deserves the name of a *tyrant*, the murdered (patiens) that of a martyr. Cont. Croyl 556. Would the writer have used the word *tyrant*, unless he alluded to the king, or one of the royal brothers?

Vol. V. 328, line 22, and 329, line 1. *Fifteenth year*—Read *fourteenth*.—It should be observed that there was nothing very singular in this revocation of the precontract on the part of the young prince. By the canon law marriage could not be validly contracted, unless the male had completed fourteen, the female twelve years; but they might enter into a precontract at the age of seven, or even earlier; which precontract, as long as it remained in force, disabled each of them from marrying validly any other person. Either party, however, on coming to the age of puberty, was at liberty to annul it without waiting for the consent of the other; but for that it was necessary that it should be done in solemn form and in the presence of credible witnesses: otherwise silence alone, or cohabitation, or the sending of presents as between man and wife, were held to

be equivalent to an actual ratification of the preceding contract. Hence it was not uncommon for a parent or guardian to instruct the party, for whom he was interested, to seize the first opportunity of revoking the precontract, not with the fixed intention of preventing the marriage, but that he might extort more advantageous terms from the other party, or might gain time to avail himself of a more eligible match, if any such should chance to offer itself. In the present case the young Henry would end his fourteenth year on the morning of the 28th of June, 1505, when Catherine would be entitled by the treaty to claim the solemnization of their nuptials. On the 27th, therefore, he appeared in the court of the bishop of Winchester, and stated that he was now at, or upon, the age of puberty, and in order that he might not be hereafter supposed to have given his consent to the marriage hitherto intended between him and the princess Catherine, either by his silence or any of the other ways specified in the law, he did then and there revoke the former contract, and affirm that he did not intend by anything which he had done, or might do, to confirm it. He was now by law at liberty to marry any other person: but the subsequent conduct of his father shows that no such marriage was in actual contemplation.

Vol. VIII. p. 40. *Leicester was soon forgiven.*—In the year 1571, after the duke of Norfolk had been confined in the Tower a second time, and interrogated repeatedly by commissioners, the queen sent to him a message “to search himself,” and to disclose the whole of the intrigue respecting his marriage with the queen of Scots. This he accordingly did, and forwarded his statement to lord Burghley, to be laid by him before his sovereign. His letter of Nov. 10 to that minister may be seen in Murdin, 164: the statement itself, of the same date, is in the state-paper office; a document of great interest, as it enters into a very minute detail of the whole transaction, but much too long for insertion in this place. When Leicester broke the matter to the duke, (see vol. viii. 37,) the latter objected the usual charges against the character of Mary; “but,” he adds, “my lord tould mee that ther was one in the house, whome “for his truth he did trust and thinke well off, which had “thought as ill of the q. of S. as anie bodie, and by my pro-

"curement, saide my lorde, he roade downe to see her of purpose, making his errant to my ladie of Shrewsbury, with whome of long tyme he had great acquaintance, and nowe within these three daies he is returned a new man, for he never thought so ill of her before, as now he doth extoll her. I prae you, said my lord, speake with him. He is your countyman Richard Candish * " The duke did speak with him : Candish was sent again to Mary ; and it was settled that Maitland should come from Scotland and break the matter to Elizabeth. As, however, he came not, Norfolk was alarmed lest the queen should hear of the project from some other quarter. He consulted lord Burghley, who advised him to speak to her himself: but Leicester and Pembroke dissuaded him. He then proceeds to relate the numerous occasions on which he begged of Leicester, either to open the matter to the queen himself, or to find some opportunity when the duke might do it. Opportunities did offer, but always in public, when Leicester would not allow that it would be proper or safe. " Her highness was walking in the garden : she called me, and began merrilie inquiring what newes was abroad. I told her I hard of none. No ? said her matie. You come from London, and canne tell no newes of a marriage ? and here withall came my ladie Chnton with flowers and a napkin, as I tooke it, unto whom her matie went, and I withdrew myself into a by allie." At Guildford came the messenger from Murray, stating that Maitland could not come ; when Leicester promised to negotiate the matter privately with the queen. After Leicester's sickness at Titchfield (viii. 40) the duke found that nobleman grown very cold in the business ; and, on his arrival at St. Albans, he received advice from Throckmorton to take the whole burden on himself. " Yf I did otherwise, I should make my friends become foes, and it could stand me in no steed ; for the Q^s Matie had forgiven them." He then also learned that Murray

* This Richard Candish must have been Richard, the second son of Sir Richard Cavendish, of Gimson Hall, Suffolk. He repaired to Sheffield on some pretence in May, 1569. The earl of Shrewsbury, at his departure, forbade him to come again without a warrant, and on the 15th. Cecil, by order of Elizabeth, wrote to the earl, commending him for this prohibition, but stating her majesty's pleasure that he should continue " to use Candish as he was wont to do " Lodge, i. 473. Was she not in the secret ? If not, was she not deceived by Leicester ? See also Murdin, 158, where mention is made of his second visit.

had sent his letters to the queen by the duke's cousin, Carey, son to lord Hunsdon. When he was committed to the Tower, Leicester requested him to procure from the queen of Scots the letter which he (Leicester) had sent to her in favour of the marriage, because it was in his own hand-writing. Norfolk complied: and was thus a second time seduced into a correspondence with her. This he avers to be the whole truth, and "most humble upon his knees" asks pardon of her Mat^{ties} most pitifull handes."

Vol. VIII. p. 45. *The first object of the insurgents.*—About three years later, in 1572, the earl of Northumberland was sold to the English government by the earl of Morton, and two sets of interrogatories were sent to him at Berwick from lord Burghley, the answers to which are in the state-paper office, and will be found in sir Cuthbert Sharp's Memorials of the Rebellion, App. p. 189. From them—and they certainly appear worthy of credit—we may learn several interesting particulars respecting the origin of this insurrection.

1°. It appears that the parties concerned were divided in opinion respecting the propriety of the intended marriage between the queen of Scotland and the duke of Norfolk. "The earle of Westmoreland, his uncles, and some of the Northons liked well the matche to be with the duke. My cousin Dacres, I and some others wished her bestowed on a sound catholique; yea, and it were with some other forreine prince."

2°. Mary and the duke, instead of persuading the insurgents to rise, used all their influence to prevent a rising. Mary "sent them her advice, that she thought it better not to sturre:" Norfolk "required Westmoreland, for all the brotherly love that was betwixt them, that he would not sturre: for if he did, the said duke was then in danger to lose his hed."

3°. There was no intention of proclaiming the queen of Scots: the earl never heard any mention of such a thing. They wished, indeed, to liberate her from captivity; and, "in the having of her," he says, "we hoped thereby to have some reformation in religion, or at least some sufferance for men to use their conscience as they are disposed, and also the liberty of freedome of her whom we accompted the second person, and the right heine apparent."

4°. Being asked what was the intent and meaning of the sayd rebellion, he answers, "The intent and meaning of us, uppon our first conferences and assemblies, was only and specially for the reformation of religion, and the preservation of the second person the Queen of Scotts, whom we accompted by God's lawe and man's lawe to be right heire, if want should be of issue of the Queen's Majesty's body. Which two causes I made full accompt was greatly favoured by the most part of noblemen within this realm, and especially for God's true religion."

5°. This was their general object in their first meetings: the actual outbreak into rebellion was a sudden measure suggested by despair. In those meetings the two earls, Dacres, and a few others, always contended that there was no prospect of success in an appeal to arms: but, he adds, "the rest of our companions (old Norton, Markenfield and others) were then so whot and earnest, that no way but they would sturre, notwithstanding all the doubts and perills we laid before them." At length the meetings attracted the notice of the government: it was necessary to come to some conclusion; and in the great consultation at Brancepeth, as the two earls refused to draw the sword, it was resolved "to sundre," and thus leave each man to provide for his own safety. But this, it was maintained, after all that had taken place, was to subscribe to their own ruin, to place their necks in the halter: the more violent renewed the debate the next day; they were aided by the tears and entreaties of the countess of Westmoreland; and her lord began to waver. The following morning he accompanied the earl of Northumberland about a mile on his way to his own county, when both were surrounded by a tumultuous crowd of their followers, and after a long parley, and against their better judgment, they suffered themselves to be borne along by them in the hostile expedition to Durham. By this overt act of rebellion they threw down the gauntlet, and found that, without preparation or the promise of assistance, they had arrayed themselves against the whole power of the throne. Hence Northumberland himself admits, that no sensible man could expect any other result than defeat and ruin.

Vol. VIII. p. 67; note to the last line.—At this very time a communication was made to Mary of great import-

ance, inasmuch as it seems to have led to the subsequent mission of Rudolphi, and to the death of the duke of Norfolk. It came from Rudolphi himself, through a confidential agent, probably Andrew Beaton, brother of the archbishop of Glasgow, the resident ambassador of the Scottish queen at the French court. He advised her, in case that, after two meetings, there was no prospect of a favourable result, to break off the conferences altogether, and to inform the duke of Norfolk and her friends in that quarter that they were at liberty to pursue such measures as they had in view. 2°. He assured her of the good services of his holiness, who had concerted matters with the king of Spain, so that the latter would do whatever might be required of him *through Rudolphi*. 3°. He suggested that, if the queen did not obtain her liberty, she should instruct all her friends in England to write together with her to the pope, the emperor, and the kings of France and Spain, complaining of the treatment which she received, and should send these letters by a messenger, who should be chosen by her friends, be agreeable to those princes, faithful to her majesty, in the good graces of the English nobility, and, above all, able to treat without awakening suspicion—by which character he was understood to point out himself—et fault que le messagier soit à l'election des dictz amys, qu'il soit agreeable aux princes, fidel à sa majesté, bien voulu des seyngneurs de ce pays, et surtout, qu'il puyssse negocier sans subsonne. (Seipsum nominat tacite.) When the agent had communicated this advice to the queen, he wrote with her approbation an account of it to the Archbishop that he might communicate it to the nuncio at Paris. "Hæc Rodolphus eo animo mihi dixit ut Reginæ communicarem, et deinde ad te scriberem, ut et nuntius apostolicus eadem intelligat: quod et Regna probavit 6 Feb., 1571." From a document, entitled "*Memoire de ce que le seigneur Rodolphi a faict entendre a la Roync,*" written in cipher by the agent, and in the possession of Dr. Kyle of Presholm in Banffshire, who has in his custody the remaining inedited papers of the archbishop of Glasgow, being seventy-four in number, and written in different ciphers between the years 1571 and 1582. All have been deciphered by the industry of Dr. Kyle.

Vol. VIII. p. 79. *The place where he had secreted*

papers.—These papers were found under a carpet in the Charter-house, the late residence of the duke, and were brought to Hickford with a command that he should decipher them for the use of the council. They proved to be certain letters to the duke from the queen of Scots, with a long communication detailing her wishes and her prospects, written in the spring of the year. In this she stated, that the superiority of her rebels in Scotland, and the despair of ever obtaining anything but promises from France, had induced her to seek the friendship of the king of Spain. He had proposed to her a marriage with Don John of Austria: but she gave the preference to the duke of Norfolk, provided he would give his consent to the restoration of the ancient worship, and to the sending of her son for a time to Spain. This she wished for two reasons: his education there would bind him to the catholic faith, and his absence from Scotland would deprive her rebels of one great pretext for their refusal of obedience to her: but this she could never effect without foreign aid: for which purpose it was her wish that Rudolph should be despatched without delay, but at the same time enjoined to conceal his real object from the court of France. Camden, 235. Murdin, 67, 68.

The papers were found on the 2d of Sept.; on the 5th Burghley instructed the earl of Shrewsbury to inform the Scottish queen that Elizabeth was acquainted with her practices with the duke of Norfolk “upon the sending away “of Rudolphi into Spain:” that she did not look upon Mary’s attempt to effect an escape, and the marriages of herself and her son as just causes of offence; but her labours and devices to stir up a new rebellion within the realm compelled the queen to alter her courteous dealing towards her. This he was ordered to say for the express purpose of tempting her patience, and provoking her to answer somewhat: a proof that hitherto the English government, whatever might be suspected, had made no discovery of the treasonable import of the papers delivered by Rudolph to the council in Madrid. See Fragment of the instructions in Lodge, i. 542, but written in 1571, not, as in Lodge, 1572.

On Sept. 9th Shrewsbury performed his commission. If we may believe Mary, in a letter written by her to the French ambassador on the same day, and under the excite-

ment of the moment, she parried those charges with spirit and address. She was a sovereign princess, and not answerable for her conduct to the English queen. Norfolk was a subject: if there was reason to suspect him of offence, Elizabeth might inquire of him. Of the king of Spain nothing more had been asked than of other Christian princes, and to preserve the royalists of Scotland from sinking under the superior force of the rebels. Was that to raise a rebellion in England? With respect to the marriage of her son, it had been first suggested by the late queen of Spain; and, as regarded don Carlos, (John of Austria,) she esteemed him highly for his valour and worth, and the worth of those from whom he sprung. In addition, the earl informed her, that he had orders to send away the four principal gentleman of her household, and to reduce the number of her servants to ten men and six women, whom she was at liberty to select. The object undoubtedly was to draw from her answer some indication of the persons whom she employed for the purpose of transmitting and receiving letters. But here again Mary was a match for the astucious secretary. She replied that the earl might execute his orders: she would not interfere. The consequence was, that no dismission or alteration followed.

That the papers delivered to the Spanish council by Rudolph had been fabricated, or at least interpolated, by Ross and the envoy, is very possible; but it is difficult to believe that Mary or the duke were without some general knowledge of the intention of these intriguers. Bethune, indeed, denied that they ever gave any countenance to the project of a rebellion in England; and it is but fair to remark that the queen, in her secret correspondence, when she mentions Rudolph, never lets a word escape to show that the aid, which she implored, was for any other purpose than the preservation of the Scottish royalists—We have a letter from her to the archbishop of the 19th, ten days after the communication from lord Shrewsbury, in which she does not mention Rudolph at all, but hints a suspicion that two of her letters, containing expressions offensive to Elizabeth, had been shown to Burghley by De Foix, the agent for the queen's marriage with Anjou. But on the next day Raulet, her secretary, writes to the same prelate a letter, which shows his knowledge that the mission of Rudolph was the

occasion of the new restraints imposed on Mary and her household, and his notion that they had become the victims of the vanity and self-sufficiency of that intriguer the bishop of Ross, and of a traitor, whom he describes in enigmatical language. Of the first he says: "J'ay grand peur que le trop de suffisance de quelqu'un soit cause de son mal (de la royne) et du nostre. C'est pityé quand la cupidite de la gloire nous precipite a une ostentation abortive, et une miserable condition de ceulx qui ont a faire a telles gens."—Of the informer he says: "Je crain aussi que celui, dont l'ambition et la folie est si grande de pretendre plus haut qu'il ne doit, ayt secondé la trahison du monstre son frere (Murray), a l'endroit du seigneur, qui est en peine pour nous (Norfolk), et qu'il ayt fait decouvrir l'argent." By this he would seem to point out Leicester. "Il scait trop de nos affaires, et est capable de faire beaucoup de mal. La principale occasion de son premier voyage estoit pour traverser les desseins dudict sieur. Je crois que cestuy ci est de mesme, et que la religion luy ayt doublé son mal talent. Il a eu congé a ce voyage par deux foyes de venir icy, qui est une grande faveur, mesmes a la derniere. Car il n'estoit permis a la royne ny d'escrire, ny de recevoir aucunes lettres que par les mains de ses gardes, ny de parler aux messagers qu'en leur presence. Mais cestuy ci a eu toute liberté, et telle marchandize ne se donne pour rien en ce temps cy. Bourghley est grand changer de telles denrées. De Chesfield, le xx Sept. Raulet, votre obeissant et tres affectionne serviteur." This seems to refer to Richard Cavendish, one of Leicester's retainers, who was admitted twice about this time to the presence of Mary at Sheffield. Raulet speaks of both as of one man, perhaps for prudential reasons, as his letter might be intercepted and deciphered. See Norfolk's confession, p. 251, for the two journeys of Candish.

Vol. VIII. p. 89. *Fare ye well, my lords.*—Six days later the following order was issued:—

"By the Quene.

"ELIZABETH R.

"Be it knowen unto all men that, whereas Thomas Late Duke of Norfolk, Knyht and Companion of the most noble order of the Garter hath Lately committed and

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“ done highe treasone agaynst the Quene’s most excellent
 “ Majesty sovereigne of the said most noble order in com-
 “ passinge and imagininge the destruction of the most
 “ noble personne of our sayd Sovereigne Lady the Quene
 “ contrary to his othe dutye and allegiaunce for the which
 “ highe treasone the sayd Thomas hath beene indicted ar-
 “ rayned convicted and attaynted and for the which detest-
 “ able offence and highe treasone the sayd Thomas hath
 “ deserved to be disgraided of the sayd most noble order and
 “ expellid out of the sayd company and not worthy that his
 “ Armes Ensignes and Hatchementes should remaine
 “ amongst other noble Ensignes and Hatchementes of other
 “ noble vertuose and approved Knightes of the sayd most
 “ noble order nor have the benefittes of the sayd most noble
 “ order. Wherefore our most righteouse Quene soveraine
 “ and Sovereigne of this most noble order with the com-
 “ pamonies now presente of the same : will and commande
 “ that these Armes, Ensigns and Hatchementes of the sayd
 “ Thomas be taken away and throwen downe and he to be
 “ cleane putt from this order and from hensforth to be
 “ noone of the number thereof: that all others by his ex-
 “ ample for evermore hereafter beware howe they committ
 “ or do the lyke cryme or fall in lyke shame or Rebuke.
 As God forbid they should : God save the Quene.

“ At westm^r the xxii daye of January 1571 and in the
 “ xiiijth yere of the regne of o^r soveraine Lady the Quene
 “ Elizabeth by the grace of God Quene of England Fraunce
 “ and Irland defender of the faith, &c. &c.”

From the original which, with the plate of arms so taken
 down, is in the possession of Henry Howard, of Corby
 Castle, esq.

Vol. VIII. p. 152. *Protracted imprisonment in the castle
 at Sheffield.*—There are no letters from the Scottish queen
 in archbishop Beaton’s collection from the discovery of Ru-
 dolphi’s intrigues till the spring of 1574. From her letters
 after that period the following particulars may be collected.
 She believed that she had two competitors for the succes-
 sion to the English throne after the death of Elizabeth, the
 earls of Huntingdon and Hertford. The first was sup-
 ported by Leicester, his brother-in-law, though it seemed
 doubtful whether Leicester were not in reality labouring for
 himself. Hertford was supported by Burghley. Elizabeth

favoured neither party. Hatton and Walsingham, and others, who had no pretensions, were on that account high in favour: but she was careful to remind all that her life was their security: should Mary come to the throne, they were all ruined. "Si la troisieme vient, parlant de moy, elle fera voller bien des testes." Walsingham was Mary's mortal enemy: Leicester had persuaded Fénelon that he was her friend, but she knew him better than to believe him: Burghley, when he thought it would come to her ears, spoke of her with respect. She was his sovereign's near relation: the person whom he wished to honour, as long as she did not offend his mistress. Leicester was plotting to take her from the custody of Shrewsbury, and place her under that of the earl of Bedford. If he succeeded, she was a dead woman. She therefore begged her relations in France to make to Leicester presents, as from themselves, though at her expense, particularly of furniture, of which he was fond. It might be of benefit to her. It might make him ashamed not to protect her for a short time, and might preserve her life during the winter. "Je vous supplie d'essayer si telles petites ruses me pourroient servir, et je l'entreprendrai de l'autre part de long." She was very desirous of having her son carried off to France, that he might escape from the treacherous designs of Morton: but she had no reason to hope for any favour or assistance from the queen-mother, who merely sought to profit by Mary's misfortunes: she ought, however, to be reminded that, if Morton delivered the young prince to Elizabeth, "Elle le pourroit aller avec quelque prince etranger, ennemy de la France, ou en ce royaume avec l'heretiere de la maison de Lenox (Arabella Stuart), ou par aventure, comme quelquesuns ont soubçonné, avec une sienne bastarde." She therefore desires the archbishop to entertain the negotiation with the Spanish ambassador, but only in general terms, that she may not be compromised, if anything better should turn out. From different letters to archbishop Beaton.

Vol. VIII. p. 157. *Note on the death-bed declaration of Bothwell.*—Laing (n. 52.) is positive that both Mary and the archbishop were conscious that this instrument was a forgery. I see nothing in their correspondence to prove this. When the queen heard of its existence, she wrote to

him to inquire into its authenticity. "Et d'autant que, s'il estoit ainsi, ce temoignage m'importeroit beaucoup contre les faulses calomnies de mes ennemys, je vous prie d'en *rechercher la verité par quelque moyen que ce soit.*" She then wishes him to send to Denmark de Monceaux to procure a certificate or attestation of it. "Si de Monceaux, qui a aultresfoyes negocié en ce pays, y voudrait faire un voyage pour s'enquerir plus particulièrement, et en apporter les attestations, je serois bien aise du luy employer, et luy faire donner argent pour son voyage. A Chatsworth, le premier de Juillet (1576)."

Beaton spoke to de Monceaux, who required money to defray the expense of the journey: with difficulty 500 livres were raised for him. He received this sum, and then refused to go, under the pretence that it was not money in advance, but only the payment of an old debt. In all this there is no appearance of fraud on the part of the queen and the archbishop, but of an anxiety to come at the truth.

In December, Barclay, of Gartely, passed through England, on his way from Paris to Scotland. On his arrival in Edinburgh he was cast into prison by Morton, at the suggestion of Walsingham, because he had shown in London copies of what was called Bothwell's Testament. From a letter of Arnault, secretary of the French embassy, to the archbishop, 8 Feb. 1577. This was probably the paper in Keith, App. 144.

Vol. VIII. p. 244. *The writing of her will.*—In the British Museum, Vesp. cxvi. No. 31. p. 145, is the draft of a will of the queen of Scots, partly in her own hand, and partly in that of her secretary Nau, dated at Sheffield, 1577, but without mention of the day, or signature of the queen. It is in an unfinished and confused state, bearing more the appearance of memoranda for a will than of a will itself. It begins thus:—

" 1577.

" Considerant par ma condition presente l'estat de la vie humaine si inconstante que personne ne s'en peust ou doit assurer, sinon sous la grande et infinie misericorde de Dieu, et me veulant prevaloir d'icelle contre tous les dangers et accidens qui me pouroient inopinément survenir en cette captivité, mesmes a cause des grandes et longues

maladies ou j'ai esté detenue jusqu'a present. j'ay advisé tandis que j'ay la commodité avec rayson et sain jugement de pourvoir apres ma mort au salut de mon ame, enterrement de mon corps, et disposition de mon bien, estats, et affaires, par ce pñt mon testament, et ordonnance de ma derniere volonté, qui ensuit.

“ Au nom du Pere, du Filz, et du Benoist St. Esprit.

“ Prem^t. Me reconnoissant indigne pecheresse avec plus d'offenses envers mon Dieu que de satisfaction par toutes les adversités que j'ai souffert, dont je loue sa bonté, et m'appuyant sur la croix de mō sauveur et redempteur Jhs. Christ, je recommande mon ame a la benoiste et individue Trinité, et aux prieres de la glorieuse vierge Marie, et de tous les anges, saincts et saintes de paradis, esperant par leurs merites et intercession estre aydée a obtenir et estre faicte participante avec eulx de la felicité eternelle.

“ Et pour m'y acheminer de cœur plus net et entier, despouillant des a pñt tout ressentiment des injures, calomnies, rebellions, et aultres offences qui me pourroient avoir estre faictes durant ma vie par mes subjects rebelles et aultres ennemys, j'en remecte la vengeance a Dieu, et le supplie leur pardonner de mesme affection que je luy requiers pardon de mes fautes, et a tous ceux et celles que je puis avoir offensé ou de faicte ou de parolles.”

Her body she then orders to be interred at St. Denis, near to that of her dear lord and husband, Francis II.; gives directions respecting her funeral, and leaves 1000 livres to be distributed among the poor at that ceremony.

Then follow numerous bequests and legacies to her executors, friends, and servants, and for religious or charitable purposes. These I shall not notice: but the following deserve the attention of the reader.

To her son, if he can be reclaimed from la mauvaise noriture qu'il a prise en l'heresie de Calvin, she bequeaths her kingdom of Scotland, the right which she justly claims to the crown of England and its dependencies, and all her property, real and personal, which may remain after the execution of this her testament. But, if he cannot be reclaimed, she leaves all and every the rights that she pretends, or can pretend, to the crown of England, to the catholic king, or to such of his family as he may select with the advice and consent of the holy see.

Her son she leaves to the protection of the king of France, and of the dukes of Lorraine, Guise, and Mayenne, to whom she recommends his estate in Scotland, and her right in England, if he be catholic, and quit the party of the English queen.

Should James die without children, she appoints to succeed him either the earl of Lennox, or the lord Claude Hamilton, accordingly as each may deserve the preference by his fidelity to her, and his constancy in religion, in the opinion of the aforesaid dukes of Guise and Mayenne.

She restores her aunt Lennox to the same right to the earldom of Angus which she possessed before the compromise made by her with the earl Morton, at the command of Mary and her husband the late king, because it was made on account of his promise of fidelity to them, which promise he broke almost immediately afterwards: and directs that the earldom of Morton should be reunited to the crown, if it should so belong, in punishment of the earl's treasons in the death of her late husband, and her own banishment and prison. *Comme ses trahisons, tant en la mort de mon feu mari qu'en mon banissement et prison, l'ont mérité, et défends a mon fils de se jamais servir de luy pour la haine qu'il a eu a ses parents, laquelle je crains ne s'étend jusqu'a luy, le connoissant de tout affectionné aux ennemis de mon droit en ce royaume, duquel il est pensionnere.*

She also reunites Orkney to the crown, which her bastard brother Robert had obtained from her under false pretences, and also the earldom of Murray, since the daughters of the late earl cannot inherit.

The earldom of Lennox she had at first given to the lady Arabella, but afterwards substituted for her name that of the earl of Lennox.

In 1577 Mary resided at Chatsworth till after the 5th of November; and, as the will is dated at Sheffield, it must have been drawn in that month or the following. Now in 1577 it was believed that, in consequence of a secret understanding between her and Don John—though in her private letters she says she knows nothing of it but from report—that prince was to invade England from the Netherlands, carry her off, and marry her. Hence additional restraints were laid upon her, and she lived in constant apprehension of being assassinated. This is apparent from

her letters of that year, and may have suggested the idea of making a will: the letter of Nov. 5th in particular expresses fears and feelings which may account for her bequests to the kings of France and Spain, the countess of Lennox, and the earl of Morton. " Monseigneur de Glasgo, Sur un advis que je receu dernièrement des entreprises de cette royné pour avoir la personne de mon filz entre ses mains. je vous liez entendre succinctement la resolution que j'aye prise de prevenir, s'il m'est possible, telles pratiques, et de moyenner en toute diligence le transport de mon filz hors d'Escosse. . . . M^e de Lenox, ma belle mere, a ce que recentment elle m'a faict entendre, ne desire moins ce transport que moy mesmes, et est infiniment malcontente et irritée contre Morton. . . . Je loue Dieu qu'elle cognoisse de jour en jour l'infidélité et perverse intention de ceulx, qui se sent autresfoyes aydés de son nom contre moy mesme, leur dessemg ayant toujours été contre toute nostre race, ainsi qu'a present ilz le font paroistre. C'est pourquoi nous craignons toutes deux les dangers où peust tomber la personne de mon filz " She proceeds to express her fear that by transporting her son to France she may offend the king of Spain: but hopes that he may excuse it on the plea of necessity; for she adds, " Il faut que de cette facon je m'entretienne avec ces deux roys, jusqu'à ce que l'un ou l'autre m'aye particulièrement obligée par leurs secours et assistance au retablissement de mes affaires. A Chatsworth, ce cenzquieme de Novembre."

But how came this very imperfect draft of a will in the British Museum? Probably it remained locked up in her cabinet, till it was seized with her other papers at Chartley. That it served for the foundation of the charge against her at her trial, that she had left the kingdom of England to the king of Spain, cannot be doubted. But there is no proof that this will was ever executed. Her real will may be seen in Goodall, i. 411. It is confined to provisions for the payment of her debts, and of legacies to her servants, and ends thus:—" Pour l'honneur de Dieu faict ce jourd'huy, septiesme Fevrier, Mil cinq cens quatre-vingts sept. Marie R." This was written on the evening before her execution. Early the next morning she added six requests to the king of France, ending thus:—" Faict le matin de ma mort, ce

mercredy, huictiesme Fevrier, Mil cinq cens quatre-vingts sept.

“MARIE R.”

Vol. VIII. p. 288. Note †.—I copy the following singular passage from a letter of Mary to archbishop Beaton.

“Le principal sujet que j’aye maintenant de vous escrire est du voyage de Leicester aux baings de Boukston, ou il a esté receu fort honorablement de mon hoste, Shrewsbury. Plusieurs en sont entrez en grande jalousie, subçon, et deffiance. De ma part, apres avoir sondé, par tous les meilleurs moyens que j’aye peu recouvrir, son intention et principale occasion de ce voyage, j’aye sceu qu’il s’est acheminé exprez en ce pays pour practiquer les volonteiz de la noblesse touchant le mariage qu’il pretend solemniser avec ceste royne, lequel chacun tient avoir esté de long-temps secretement contracté entre eulx: et quasi luy mesme en parle de ceste façon un peu plus librement, qu’il ne luy seroit par aventure proffitabile. Mais oultre ce, sachant bien que difficilement je seray induite a y consentir, et sans que j’en recoipve quelzques grands avantages, il s’est mis en tout devoir de me faire assurer par un tiers tant de la bonne affection de ceste royne vers moy, que de la sienne, mesmes pour son regard en ce que touche ma pretension à la couronne d’Angleterre. Et, pour me complaire en ce point, il a fort mal receu le conte de Hunthington, son beau frere, qui l’estoit venu trouver, et ne luy permeiet de sejourner pres de luy qu’un demy jour. Je n’ay besoign de vous mander infiniz aultres discours a ce propos qui m’ont esté tenuz, desquelz, en fin de compte, je ne puis apprendre aultre chose, si non que le dict sieur Leicester se veult maintenir durant ce regne, et se pourvoir et assurer pour l’advenir; en quoi je n’ay pas delibéré d’adjouster plus de foy a ses paroles, que ses deportemens, pleins de toute dissimulation, m’en donnent occasion; et vous prie de faire bien entendre a Morgan, Ligons, et aultres, qui en pourroient rester en crainte et deffiance. Mylord Bourgley, sur la jalousie qu’il a prise de ce voyage, s’estoist acheminé en une sienne maison vers ces quartiers en deliberation de passer jusqu’aux baings, et, comme je croy, d’effacer et renverser tout ce qu’il apprehend que l’aultre, son mortel ennemy, y peust avoir négocié a son desavantage, principalement en mon endroit. Mais il a esté contremandé, et n’a sceu ob-

tenir son congé. Le conte de Sussex s'est déclaré ouvertement contre ledict sieur Leicester, jusqu'a le menasser de luy oster la vie par quelque moyen que ce soit, si la royne ne leur veult permecter le combat. Il y en a plusieurs en ce royaume de mesme volonté, les factions et partialitez y estans si grandes que jamais les princes estrangers n'eurent plus belle occasion de se garantir des incommoditez qu'ils recoipvent du cote de deça Escript au manoir de Chatsworth ce douziesme de Juillet (1577)."

This visit of Leicester to Buxton took place in the preceding month of June, where his expenses were defrayed by lord Shrewsbury. He certainly waited on lady Shrewsbury at Chatsworth, perhaps secretly on the queen of Scots: for he may have been the individual whom she, to conceal the fact, describes as *a third person*. On his return, Elizabeth wrote, as follows, to the earl and countess of Shrewsbury.

" Our very good cousins,

" Being given to understand from o^r cousin of Leicester, " how honorably he was, not onlie latehe receaved by you, " our cousin the countess at Chatsworth, and his dyet by " you both discharged at Buxtons, but also presented with " a very rare present, we should do him great wrong (hould- " ing him in that place of favour we do) in case we should " not let you understand in how thankful sorte we accept " the same at both your hands, *not as done unto him but to " o^r owneself, reputing him as another our self*; and there- " fore you mai assure yourselves, &c.

" Gevin under our signet at o^r Mannor of Greenwich the " xxvth day of June, 1577, and in the xix yere of o^r raigne." Lodge, Illustrations, ii. 155.

Does not the extraordinary language of Elizabeth, saying that she was thankful for what was done to Leicester as if it had been done to herself, because she reputed him another herself, confirm the statement of Mary, that Leicester's object was to sound the disposition of the nobility with respect to the public solemnization of that marriage, which every one held had been privately contracted long before between him and Elizabeth?

The other statement of Mary, that Burghley wished to come to Buxton to counteract the intrigues of Leicester, but was prevented by the refusal of Elizabeth to allow him to go thither, is partially confirmed by another letter in Lodge,

written by Burghley to Leicester, about a month after the return of that nobleman, and a week after the date of Mary's letter, to inform him that he "was *nowe* thoroughly licensed "by her majesty to come thither." He accordingly went there, and on the 25th of August the earl of Sussex wrote to him—"I desire greatly to know what success ye have had by the bath of Buxton." words which may refer not merely to Lord Burghley's health, but perhaps to the other object of his journey, attributed to him in the letter of the Scottish queen.

Vol. IX. p. 387. I copied this letter of Garnet to Persons from the MS. narrative of Gerard. But it appears, from the original letter itself, which is in the hands of the Rev. M. Tierney, and will be published by him in the new edition of Dodd's Church History, that Gerard, besides other omissions of less importance, has not copied a postscript by Garnet, stating that this letter of the 4th of October had been returned to him again, because the messenger stayed in the way; and that he had obliterated three lines, intending to write the same apart by the next opportunity. Now this postscript is dated October 21, and consequently was written after his arrival at Hawarden, and about the very time when, according to his friends, the communication of the plot was first made to him by Greenway. Whether the erasure was occasioned by such communication, or referred to some matter requiring fuller explanation, it is now impossible to discover.

Vol. IX. 206. *The dispensation had been granted, &c.* The following is the history of this curious affair. The dispensation was signed on the 11th of April, N.S., and despatched to the nuncio Massimi at Madrid on the evening of the 12th. A few hours later arrived a despatch from the same nuncio, stating that the Spanish minister, having taken umbrage at Buckingham (*adombratosi col Bocchingam*), was no longer desirous of obtaining the dispensation, but would send a person to Rome, if not to hinder, at least to retard it.

On the 18th cardinal Ludovisio wrote to the nuncio a long letter, in which he complained bitterly of the difficulties into which he had been thrown by this change in the counsels of Olivarez. It could not now be denied that the dispensation was granted, and despatched: for so much

was known to the envoys of his Britannic majesty. Fortunately they knew not its contents—and therefore the nuncio might keep it by him till it should be demanded by Olivarez; and, to excuse the delay, he might state that he had been ordered not to deliver it till he had made an effort to convert the prince to the catholic faith, or had at least obtained better conditions for the British catholics. That he might do this the more plausibly, the cardinal sent him another letter with liberty to show it, but antedated on the 12th, that it might appear to have accompanied the dispensation; and in this he was ordered not to part with the dispensation till the prince had embraced the catholic faith, or had at least granted full liberty of conscience to the native catholics.

“Perchè alla fine qui si sà, che la dovevamo (la dispensa) inviare, o che l'abbiamo mandata, e Giorgio Gaggi, che l'ha sollecitata, e forse anche il P. Fra. Diego della Fuente, n' avranno dato conto al re d'Inghilterra, perciò stimiamo che non convenga di negare nè a noi, d'averla mandata, nè a V. S., d'averla ricevuta: ma ch'ella possa e debba far tutte le difficoltà che si stimaranno convenevoli intorno alle condizioni, le quale a nuno sono comunicate, e si è fatto a posta, acciochè da lei si cerchi d'avantaggiare quanto più si potrà. Onde avrà V. S. il modo di tirare alla lunga il negozio a compiacimento di S. M.^{ta} e di avanzarle conforme a beneficio della religione cattolica: ed a questo fine, perchè non le manchi alcuna cosa da mostrare, le invio l'aggiunta lettera ostensibile, fatta sotto l'istessa data delli 12. nella quale si richiede per condizione la pubblica libertà di coscienza, e di più si desidera ardentemente la conversione del principe; acciochè se ne serva con avveduta opportunità: avvertendo che non si può domandare per condizione della medesima dispensa la conversione sopradetta: perchè ogni volta che divenisse cattolico cesserebbe incontanente il bisogno di essa.—It is unnecessary to copy the ostensible letter, the contents of which are in the former: but Gregory expressly ordered the nuncio not to deliver the dispensation even to the king of Spain, without a written promise from that monarch that he and his successors would use every effort in their power to enforce the due execution of the articles, and that both he and the infanta would never appoint any but catholics to hold office about her person. From the Barberini papers.

Vol. IX. p. 231. *The pontiff was at last satisfied, &c.*—The oath was taken by Louis on the 11th of March, O. S., and still the nuncio refused to deliver the dispensation, because the articles did not exactly agree with those which he had received from Rome. But Louis had already written to Charles that the marriage should take place on a particular day, and Charles had appointed the duke of Chevreuse to act as his proxy. the French court seemed determined to proceed without the dispensation, if it could not be obtained; and a messenger was already despatched (Ap. 4.) with a last proposal to Rome, when orders arrived to the nuncio to publish the dispensation. Barberini papers.

Vol. IX. p. 233, last line.—As an illustration of the character of James in this respect, I copy the following passage from a MS. letter, written from the court in 1613, without signature, but apparently by Mr. Lewkenor, son to sir Lewis Lewkenor, master of ceremonies.

“ Whilst the kyng was at Newmarkett there came an
 “ ambassador from the duke of Newbergh, in whose letter
 “ was a demand from the kyng. whether that he combined
 “ himself with the other protestant princes: yf he did, that
 “ then those did signifie unto him the catholick princes
 “ would also combine themselves to root out heresie: the
 “ which letter, the Viscount Rochester opening and reading
 “ unto the kyng, and demanding an answer, the kyng said,
 “ there needed no answer: but being much troubled, and
 “ goeing to supper, he complained grievously that nobodie
 “ respected him, neither was anie so served as he: and
 “ taking the meate he flonge it from the table, and the dish
 “ after; then sent for the cooke, and sware he would hang
 “ him, who standing in great fear, a hawker came up with a
 “ hawke, and tolde him a faire tale. He saved the cook’s
 “ lyfe, and put the kyng into his wits againe; who after
 “ supper sent for the ambassador of the Duke of Newberge,
 “ and told him he should have his answer at London; who
 “ had some English geldings given him, and so departed.—
 “ I cannot omit a speciall act of the kyng’s patience. He
 “ being at cards this Christmas, and his game Codain, and
 “ six playing x^s a sett, the kyng lost 3 setts, which moved
 “ him so much that, rising from the place, and sitting
 “ downe in his chaire, he blaspheming said ‘ Am not I as

“ good a kyng as kyng David, as holie a kyng as kyng David, as just a kyng as kyng David, and why should I then be crost ? ” The palsgrave, being present, seeing the kyng in such a rage, asked the duke of Lenox what the kyng said : and, when the duke had told him, he said ‘ Surely the kyng is a verie good kyng : but I do not remember that ever I read that kyng David ever did swear so much for the loss of so little monie. ’ ”

Vol. X. p. 241. The proceedings of the fleet in the Downs are narrated somewhat differently by sir John Hinton, physician to Charles II., in a MS. memorial of his services, presented by him to that monarch. If his account be correct, we may conclude that the refusal of the earl of Warwick to fight was the result of a well-concerted plan to intercept the return of the prince.—Having stated his escape from London to the royal fleet, he adds, “ y^r highnesse thus rideing in the Downes, and the earl of Warwick comeing out of Tilbury, y^r fleet beginning to want provisions, you determined to stand towards Holland to victuall ; and y^r highnesses orders being to the vice and Rere Admirall, they took no notice of them, nay they all stood the other way, resolving to engage Warwick. But while some time was spent in this refractory manner, there came up a small vessell, by which your highnesse had advyce, that Warwick was come out of the river, att which y^r highnesse, greatly rejoicing, cutt a caper, declaring y^r resolution to fight the enemy : whereupon the fleet came up with y^r highnesse one by one, and saluted you by throwing up their cappes, and great acclamations of joy ; but Warwick declined fighting, and stood towards the river, and night comeing on, both fleets cast anchor neare each other, and, haveing given the signall of battaile very early the next morning, there came on a sudden and violent storme of wind ; so that both fleets were forced to cast out all their anchors. This then was y^r Highnesses condition.—The sands on one side :—Fairfax with his army on the other—Warwick with his fleet before you—and another fleet from Portsmouth in the reare—and to complete the miserie, scarce provisions for four and twenty hours : so that all hopes of escapeing were past hoping for. But then, in the very midst of y^r extremetie, itt pleased God, to whom the sea and the wind

"owe obedience, to shew his power to no less than a miracle: for in a moment the wind chopped cleare about, and soe, with as violent a storme the other way, you got outt to sea in despiht of them all, and in a litle tunc you arrived safe to Helvoitt-Sluice in Holland: wch gricatic providence, whereof I was an eye-witness, is printed in the 'Miraculum Basilicon.'

Vol. X. 419. Note.—In this note I have asserted that Charles I., to obtain pecuniary assistance from Innocent X. had held out some hint of a disposition on his part to admit the papal supremacy and the catholic creed. In proof of it I may be allowed to transcribe the following passages from the answer of the pontiff:—

Regi magnæ Britannæ Innocentius P. P. X. Serenissime Rex, salutem et lumen divinæ gratiæ.

Adeuntem ad nos dilectum filium, Joannem vice-comitem Sommersetriæ, ut, pro pia quam gerit mente, de rebus, quæ catholicæ religionis sunt, nobiscum ageret, accepimus sane quam benevole, ut virum decuit virtute non minus quam genere nobilem, unaque alloquentem libenter atque hilarè audivimus. Et id quidem longè jucundissimum accidisse intelligimus, ut ille nobis nec opinatè literas, humanitatè officiiq; plenas, a maiestati tuæ redderet, ex quibus nimirum incredibilem ac plane mirificam lætitiā hausimus, quod illæ præcipuam tuam alacritatem ac propensionem ad obediendum Deo in nobis, qui ejus vires gerimus, luculenter declarant. Nos proinde tam præstanti voluntati ex animo occurrimus, patriq; luminum Deo gratias agimus immortales, qui primis hujusmodi radus tuæ menti affluserit, eideniq; preces ac vota accurate deferimus, ut opus suum in maiestati tuæ "vivifcet, plene illuminans ac mirabiliter a montibus æternis." Te vero vocanti Deo penitus auscultare et illabentem lucem ultro excipere opus est, ut, late discussis tenebris, gratâ Deo mente et beneficiorum memori, certa inductione catholicam religionem amplectare. After a long exhortation to the same purpose, he concludes thus:—Nos certe Maiestatis tuæ animuin, ab agnoscenda atque amplectanda veritate, quod speramus, non alienum, eo jam prosequimur zelo, quo et propemodum æstuamus, de tua illorumque salute populorum vehementer solliciti. Nec eq; minus tuis nos votis, Serenissime Rex, per omnia responsuros senties, opemque tibi atque auxilia, quæ petis,

totis viribus laturus cum id nobis per apostolicum nostrum munus hecat, e quo illa est Romano pontifici facultas, ut principes virosque in catholicæ ecclesiæ gremio positos sua ope juvet ac tueatur. Et quo id tecum serio peragere valeamus, a maiestate tua enixe poscimus, ut, quod velle cœpit, mox et facto perficiat; et, quemadmodum est animus voluntatis, ita sit et perficiendi opus. Expectamus adeo omni sollicitudine, ut aliquo id aggrediaris argumento, quo te te ad catholicam fidem recepisse intelligamus, et conceptam eidem obedientiam illustri ac laudabili exemplo explicuiss-e. Aderit proude tibi, præter hanc ipsam, quæ abunde consequetur, nostræ benevolentia significationem, uberrima e cælo merces, ut ex Domini ipso oraculo “vir obediens Deo loquatur victorias”—quas cum optatæ tuæ salutis et catholicæ religionis fructu maiestati tuæ amplissimas appreciamur. Datum Romæ apud Sanctum Petrum sub annulo piscatoris, die XXIX Junii MDCXXXVII. Pontificatus nostri anno tertio.

Vol. XII. 262. *Death of Viscount Stafford*.—A few days before his execution he wrote the following letter to the countess of Arundel:—

“Madam, I beseech God preserve you, and make you
 “happy, I pray let yo^r Lord know that I do count myse
 “very much obliged unto him, and wish him as well as
 “may be. I pray let him know that I have the sword that
 “was our great ancestor’s att the Battle of Flodden field,
 “with w^{ch} we have a tradition in our ffamily hee killed the
 “king of Scotland. This sword was always much esteemed
 “by my father. I do now give it unto yo^r Lord, my
 “nephew. I have taken order it shall be brought unto
 “him. I give it upon this condition and no other, that
 “he leave it to the heirs males of himself, w^{ch} I hope
 “will be many, and their heirs males; for want of such, unto
 “my nephew Thomas his brother, and for want of his heirs
 “males to return unto my heirs.

“God bless you all! I am near my death, and with that
 “will averre my innocence, that am

“Your Lad^{rs} faithfull humble

“For my Lady Serv^t and Unkle

“The Countesse of Arundell.

“WILLIAM HOWARD.”

From the original, in the possession of Henry Howard, esq., of Corby Castle, to whom I am indebted for the above, and for several of the preceding documents. The sword was deposited in the Herald's Office, and is believed to have been, not that with which James IV. of Scotland was slain, but that which he wore, at the battle of Flodden-field.

I N D E X.

- ANGLI**, archbishop, appointed by James I to succeed Bancroft, ix. 156; he favours the puritans, 157, accidentally shoots a park keeper, while hunting, 190, he is absolved from the homicide, 191, opposes the prince's match with the infant, 201, *note*, succeeded by Laud, 312.
- Acre**, siege of it, 321; arrival of Richard I. 323; surrender of the city, 324, massacre of the hostages, 325.
- Act of uniformity**, x. 216, its injustice, 217
- "Addle"** parliament, the, i. 112.
- Adelais**, sister of Philip Augustus, betrothed to Richard I., ii. 300, kept in custody by Henry II. *ibid.*
- Adrianus**, son of Canobeline, when banished by his father, repairs to Rome, and surrenders Britain to Caligula, i. 20.
- Adrian**, emperor, see *Hadrian*.
- , pope, composes a code of laws for the Anglo-Saxon church, i. 120
- IV (Nicholas Breakspear), history of, ii. 112, succeeds Anastasius IV. *ibid.*; schism in the papacy at his death between Alexander III. and Victor IV. 203
- Aella**, Saxon chief, lands in Britain, i. 66, burns the city of Anderid, *ibid.*, founds the kingdom of Sussex, *ibid.*, his reign, 74.
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- Felton, J., assassinates Villiers, duke of Buckingham, ix. 287; is executed, 288.
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- Fiennes, Nathaniel, governor of Bristol, yields up that place to prince Rupert, x. 90; tried by a court-martial, condemned, but pardoned, *ibid.*, *note*.
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- Fitz Harris, an Irish adventurer, his history, xii. 275, he and Everard compose a libel against Charles II., *ibid.*; he is betrayed by the latter and sent to the Tower, *ibid.*, impeached by the commons, 277, the impeachment rejected by the lords, 278; he is tried and executed, 280.
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- , Carr, earl of, accidentally introduced to the notice of James I. while a youth, ix. 105; the king's attachment to him, *ibid*, made viscount Rochester, 106; employs sir T. Overbury as his assistant in public business, *ibid*, marries Frances Howard, the divorced countess of Essex, 109; succeeds Suffolk as chamberlain, 112, his influence declines on Villiers being taken into the king's favour, and he is arrested on suspicion of being accessory to the death of Overbury, 113, endeavours to escape a trial, 118; is convicted, but pardoned, 119; his petition to Charles for the recovery of his property refused, 120.
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- , Hugh, son of the preceding, marries the daughter of the earl of Gloucester, iii. 320; claims the estate of John de Mowbray as forfeit to him, and thereby excites the enmity of the lords of the Marches, *ibid.*, the earl of Lancaster demands from Edward II. the banishment of the Spensers, 322; Spenser returns from banishment, and appeals against his sentence, 324; his petition granted, 328; arrested by the earl of Leicester, 341; executed, 342.

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- , lady, liberates the young earl of March and his brother, in the reign of Henry IV., iv. 302.
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- , sir W., executed for abetting the designs of Perkin Warbeck, v. 308.
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- Strafford, Thomas Wentworth, earl of, succeeds lord Falkland as governor of Ireland, ix. 336; designs to claim Connaught for the crown 341; brings Mountnorris to trial, 344; defends himself, before the king, from the charge of despotic measures, *ibid.*; created earl of Strafford, 370; impeached of high treason, x. 6; his trial, 15; charges brought against him, 17; bill of attainder passed against him by the commons, 19; his defence, 21; Charles's efforts to save him, 22; Strafford's letter to him, 26; plan proposed by the king to save his life, 28, *note*; his execution, 29.
- Stratford, archbishop of Canterbury, accused by Edward III. of having intercepted the supplies, iv. 34; refused admission to the parliament, 35.
- Straw, Jack, a priest, a leader of the insurgents in Wat Tyler's rebellion, iv. 175.
- Strongbow, Richard, earl of Strigul, engages to assist Dermot, king of Leinster, ii. 254; arrives in Ireland, 256; marries Dermot's daughter, and succeeds him, *ibid.*; yields up Dublin, &c., to Henry II., 257; his death, 261.
- Smart, lord James, natural brother to Mary of Scots, appointed by her one of her chief ministers, viii. 324; created earl of Murray, 329. See *Murray*.
- , lady Arabella, cousin to James I., introduced to the court of Elizabeth,

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- Suffolk, Michael de la Pole, earl of, chancellor in the reign of Richard II., impeached, iv. 207, escapes to France, 213; dies at Paris, 217.
- , William de la Pole, earl of, succeeds the earl of Salisbury as commander at the siege of Orleans, v. 74; besieged in Jargeau, 83; made prisoner, *ibid.*; negotiates the marriage of Henry VI. and Margaret of Anjou, 120; created duke, 130; charges against him, *ibid.*; impeached, 132; banished, 134; captured at sea, 135; and executed, *ibid.*
- , Edmund, earl of, second son of William, duke of, takes shelter at the court of his aunt Margaret, duchess of Burgundy, v. 331; settles in the dominions of the archduke Philip, 332, given up by him to Henry VII., *ibid.*, sent to the Tower, *ibid.*
- , Brandon, duke of, conducts Mary, sister of Henry VIII. and bride of Louis XII., to France, vi. 29; marries her after the death of Louis, 30, invades France, 72; disbands his army, 73.
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- Sussex, earl of, lord deputy of Ireland, recovers two districts, which he forms into King's and Queen's county, vii. 249; is one of the commissioners to adjudge the cause between Mary of Scots and the regent Murray, viii. 22; sent against the insurgents under Westmoreland and Northumberland, 47; enters Scotland, 54.

- Sweating sickness, in the reign of Henry VII. v. 274; in the reign of Henry VIII., vi. 139; Edward VI., vii. 79.
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ERRATA

In Vol V page 328, line 22, and 329, line 1 for *fifteenth* read *fourteenth*;
 p 337 the marginal date, for *April 22* read *April 21*
 In Vol VII page 239, line 28, for *death*, read *imprisonment for life*

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